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The Week

THE Japanese earthquake is one of the most terrible disasters of modern times. Even the incomplete reports available as we go to press indicate that Yokohama and Tokyo are virtually destroyed, and that the loss of life runs into hundreds of thousands. The catastrophe serves to remind us both how helpless is man in the face of such natural occurrences as these, and how easily he reconciles himself to the existence of danger. Japan suffers an average of four earthquake shocks a day; and such tremors as those of September 1-2 are by no means an unknown phenomenon. Yet her chief cities have been seemingly content with a water and fire-protection system which was anything but earthquake-proof; and the authorities have permitted the erection of numerous buildings of heavy European architecture, about as ill-fitted to a land of frequent seismic disturbances as anything could be. The present moment, however, is hardly the one for inquiry as to what part, if any, of the destruction of property and loss of life could have been averted. The Japanese have been sorely stricken; and are urgently in need of outside help. American charity, so often invoked in the past nine years, will be asked to come to the rescue once again. The response, fortunately, will be as prompt as sure.

THE European sky is darker at this moment than at any time since 1918. Mussolini, with the cold disregard of possible consequences which characterizes Realpolitik, has proceeded to the "temporary" occupation of Corfu on one of the flimsiest pretexts in the history of imperial aggression. He has refused to admit the jurisdiction of the League and threatens the withdrawal of Italy from the League if an attempt is made to set its machinery in motion against him.

THE meaning of the move is clear. The Italians have long coveted Corfu. With it in their possession the Adriatic becomes an Italian lake. The experience of the late war showed that with Corfu as a base a hostile navy could be completely bottled up in the Adriatic. If Italy had got Valona, she might have managed to do without Corfu, but since her Albanian hopes were not realized she has the same grounds for wishing to secure Corfu that France has for wishing to hold the left bank of the Rhine. It is worth noting that Italy is following the French technique precisely. She announces that she will remain until Greece has met demands that are, at least for the moment, impossible. In the meantime she is rolling up costs of occupation which will be added to the indemnity. It is plain that if Italy is let alone, the costs will always mount more rapidly than Greek capacity to pay.

GREECE is in no position to resist by arms. But the seizure of Corfu is aimed more against Jugoslavia than against Greece, and the Jugoslavs could put up a nasty fight on the upper Adriatic. Mussolini is obviously counting that if Jugoslavia moves, Bulgaria and Hungary will move too, on the other side. That would bring in Czecho-Slovakia and Rumania on the side of Jugoslavia. But Russia could not be expected to remain quiescent; she has scores to settle with

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Rumania. Poland would have then to fall in with the Little Entente. The German fascisti would be restrained with difficulty from dragging Germany in for a war of liberation. France would be involved, and thus the whole continent would be aflame with war.

MUSSOLINI, we may assume, has counted on this possibility. He knows that the one nation that can not hope to profit by a general European war is France. She has her prize, the military hegemony of Europe. She might lose it; or at least be put to an expense in maintaining it that would bankrupt her. She must therefore use her influence to prevent Jugoslavia from taking up the Italian challenge. Further, she must back Italy, however unwillingly, in her rejection of the League's jurisdiction.

THE chances are that Mussolini will get safely home with his plunder. But every Realpolitiker must make allowances for mischances. Suppose that the Jugoslavs do not listen to French reason and the conflagration gets under way. It will ruin Italy, in the end, and destroy Mussolini. He knows that better than anyone else. Why then does he take the risk? Because a regime of the Mussolini type has no firm basis in pacific public sentiment. It can live only through dramatic action. The Adriatic, an Italian lake, would give an additional decade of life, at least, to Fascismo.

THE situation it now faces is by far the most critical in the brief history of the League of Nations. The pressure France and England will have to apply to halt the aggressions of Mussolini will strain the machinery of the League severely. But a failure to use the machinery of the League and to use it successfully, would be a fatal blow to its prestige. Already, American isolationists are using this latest development as fresh justification for Colonel Harvey's phrase of thanks that we are "damned well out of the whole mess." If the League is not able at least to postpone hostilities between two European nations, both of which are members and one of which has formally appealed to it for assistance, it will receive such a blow that all hope of securing American participation under no matter what sort of sweeping reservations must be abandoned for years to come.

IT is now possible to see how terribly the prestige of the League has been impaired by France. In order to wreak her vengeance upon Germany unhindered, she has defied the moral power of the League and has reduced it in effect to a coalition between Great Britain and the little neutrals of Europe and South America. The Italians, indeed, have been quick to insist that their seizure of Corfu is on all fours with the French seizure of the Ruhr. In both cases, they assert, territory is being held "temporarily" pending the payment of an indemnity. The amount demanded from Greece is no more impossible than that asked of Germany. If France insists that Italy should submit her case to the League, she cannot consistently resist the demand of the British that the reparations question be referred to the same body. Undoubtedly that is why Paris has talked of using the Council of Ambassadors as a substitute for the League in the present crisis.

BOTH Berlin and Paris continue to report efforts at an agreement between French and German industrialists, to be followed, it is asserted, by the abandonment of passive resistance and the virtual capitulation of the German government. None of the hopeful correspondents, however, explains how the Ruhr working population is to be brought into line with the wishes of the industrialists. Certainly, the workmen will not return to their posts merely to please their employers. No government could survive which cut off food and money to the Ruhr in order to force a surrender. The latest Stresemann speech, hailed by the correspondents as a great advance, promises nothing which had not been offered by Cuno on June 7th and by Stresemann himself less than a fortnight ago.

THE real German problem of the moment has to do with a possible coup d'etat either by the Communists or the Monarchists. The press is filled with reports of feverish activity by both groups. Berlin declares that "Russian gold" is being poured out in the effort to bring about a proletarian dictatorship; while Moscow insists that this is not the case, and that what Russia needs is stability in Western Europe for the sake of her own export trade. Common sense would suggest that no doubt there are Russian factions supporting both these views. Scepticism is also desirable regarding the likelihood of either a Communist or a Monarchist revolution in the immediate future. Both the leaders of the extreme right and the extreme left know that French policy is entirely merciless. Either group is willing to accept a receivership for Germany, but not on terms which would play into France's hands and bring the inevitable destruction of the new government in a short time.

THE anthracite strike continues to dominate the domestic news. As we go to press operators and men are still deadlocked on arbitration, demanded by the former, and the check-off, demanded by the latter. Governor Pinchot's compromise proposal offered the eight-hour day, overtime at the same rate, and a ten percent increase in wages. The union was to be recognized, and a union representative to be present when the men are paid, but

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the check-off system, whereby union dues are deducted from the pay envelopes, was not to be granted. Machinery for conciliation was the final point in his compromise which for the present at least appears to have gone by the board. While there is still good reason to hope for a settlement, it is increasingly clear that no government representative has in mind any real solution of the coal problem. The best anyone hopes is to patch up a truce for a year or two, and then repeat the present painful process of bargaining under pressure.

FORMAL recognition of Mexico, President Coolidge's policy toward Russia, hardships to immigrants under the quota law and conflict in many parts of the country between the Ku Klux Klan and its opponents, are the outstanding minor items of the week's domestic news. The Coolidge Russian policy is much more reactionary than that announced by Secretary Hughes in his letter to Mr. Gompers a few weeks ago. Mr. Hughes felt that the form of government chosen by another country is no concern of ours, and that long continuance of any regime is evidence that it is satisfactory to the people who live under it. Mr. Coolidge, however, is still in a 1918 frame of mind. Russia must abandon communism, he says, before the United States will have anything to do with her. If he means this and if Colonel Haskell of the American Relief Administration is a competent witness, recognition is not far away. For the Colonel, returning home after winding up the magnificent activities of Mr. Hoover's organization in Russian relief, announces positively that communism in Russia is dead.

THE meeting of the American Bar Association at Minneapolis produced an interesting budget of news. R. E. L. Saner of Dallas, Tex., chairman of the committee which solemnly reported the presence of 1,500,000 dangerous radicals in the United States, was rewarded for his fears with the presidency of the Association. Former President Taft and others pleaded for the simplification and unification of law codes which are so obviously needed. John W. Davis, retiring president, and a potential candidate for the Democratic presidential nomination next year, uttered a heart-felt plea that the United States Supreme Court should not be halted in its beneficent course of overriding legislation which happens not to suit the personal views of any five of its members—views which are often pathetically out of harmony with twentieth century necessities. Mr. Wickersham's eloquence, so lately raised on behalf of the League, succeeded in producing a vote of confidence in the World Court. Last, but not least, Secretary Hughes gave a vigorous defence of his interpretation of the Monroe Doctrine. The daily press, which exists by reason of its short memory, professed to find new ideas in his statement, though as a matter of fact every doctrine he put forth was clearly indicated by the actions of the United States at the recent Pan-American conference at Santiago, Chile.

THE Monroe doctrine, Secretary Hughes observed, is not a "regional understanding." The Latin-American countries have had and can have nothing to say about it. It is purely a domestic policy of the United States, intended for our self-defence. We can and will modify it whenever we feel that our interests demand this. Referring to our recent actions in the Caribbean, the Secretary of State permitted himself a rather grim joke, when he observed that if the Monroe Doctrine had not existed we should have found it necessary to invent it. In other words, whether our attitude toward Latin-America is defensible or not, we do not intend to defend it. We shall do as we please, under cover of a phrase about defending our own interests; and the fear and hatred toward the United States which are rapidly accumulating throughout South and Central America are to be allowed to grow as they will.

THE legal profession is being unusually introspective. As a piece of machinery the law has among its faults too many accessories, too many mechanics, too many models, too many amateur repairmen. Chief Justice Taft publicly laments the delays in the course of justice. Cases may linger in the calendar for several years under the present system. And legislatures persist in making all sorts of new laws which add to the present tangle. The American jurist has managed to eschew the wigs which quaintly distinguish his British contemporary, but he hasn't refrained from keeping the profession cluttered with esoteric nonsense. The whereases and hereinafters in which he thinks and writes his decisions, the elaborate mummery with which he scrupulously keeps his clients from knowing what it's all about, the red-tape of the average court room, have lasted much too long. A judge has no more reason for failing to hold court eight hours a day when necessary than an engineer has for adjourning the running of his train to suit his fancy. Justice can be speeded up by methods other than those of the Klan or the Knights of Liberty. It is encouraging when the most critical comments come from the bar itself.

IN the complex relations of railroad employees to the companies the situation of one group has been overlooked. The yardmaster occupies an important and responsible position, in immediate charge of the moving of freight at terminals, his status being between that of an official and labor. When the government took over the roads the yardmasters hoped to escape the twelve-hour day, under General Order 27, but Mr. McAdoo placed

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them under separate jurisdiction. Thereupon the yard-masters organized and their representatives met with the regional directors in October, 1918, to demand the eight-hour day and a basic rate of pay. They were induced on grounds of patriotism to forego these demands for the time being, and suffered the usual fate. Nothing more was heard of their application for four years. Finally on October 16, 1922, the Railroad Labor Board issued a decision making applicable to yardmasters the usual routine by which an organization of employees may present its demands to the roads, and in event of dissatisfaction appeal to the Board.

MOST railroads have permitted the yardmasters to organize and have granted the eight-hour day, so necessary in view of the exacting and fatiguing nature of the yardmaster's duties. Certain roads have thrown obstacles in the way of such organization, and it is not surprising to find them the same roads which have held out against settlement of the shopmen's strike. The Pennsylvania indeed conceded the eight-hour day on condition that the men would give up their organization. The Lehigh Valley has refused to permit the organizer to come on its property. One of the Lehigh yardmasters who was assisting the organization was called to his office by the superintendent of the Jersey City terminals and told to "lay off." Such action is contrary to the Transportation Act and the decisions of the Railroad Labor Board—but what does that matter so long as the road can "get away with" its conduct unrebuked?

THE Association of Railway Executives, through Alfred P. Thom, its General Counsel, has sent a hasty note to its members assuring them that the Transportation Act of 1920 isn't so bad after all. The railroads protested its passage, but now Mr. Thom has compiled the catalogue of grievances as the very arguments for retaining the bill in its present form, and has sent this enumeration around to all the shippers. Here is a change of heart indeed. But puzzlement ends with the remarks of one of the railroad officials:

> If the act were to be brought up at the coming session of Congress the railroad officials might get some of the revisions that would make the working of the act more active. At the same time they would take the chance of the act's being revised when a number of "radicals" are in the House and Senate and are only too eager to cut the act to pieces.

This official has been putting an ear to one of his own rails and heard the rumblings of Pullman cars coming to Washington with a load of extremely progressive congressmen and senators. These congressmen and senators have been only too willing to offer their solution of the transportation problem. Enthusiasm for the Esch-Cummins law under such circumstances is the most easily understood of railway executives' emotions.

PROFESSOR A. M. LOW, a British scientist and inventor who is said to have played an important part in the development of new weapons during the war, has recently been writing his impressions of what warfare will be like one hundred years from now. He sees wireless transmission of electric energy as the dominant factor. Heat will thus be transmitted to make whole regions uninhabitable. Ditches full of electrically charged water will make cavalry obsolete. Soldiers will see and hear by wireless, and radio receiving sets will be used by the enemy for propaganda which will terrorize a whole population. Nor does Professor Low forget to add to these an invention which has already been perfected—wireless-controlled, automatic airplanes which can be used by the hundred to drop gas bombs, killing or rendering helpless the population of a whole city in a short time.

AS many other writers have done, he paints a picture of a warfare incredibly brutal and horrible, wiping out whole populations, slaying non-combatants even more ruthlessly and efficiently than soldiers in the field. It is hard to imagine that mankind, confronted by such appalling results of its own mechanical inventiveness, should not find a modus vivendi between nations which would discard the appeal to force. Anyone who derives comfort from such a notion, however, ignores the plain deductions from past history. The invention of gun-powder seemed quite as horrible to the bow and axe men as does the use of poison gas against non-combatants today; yet it produced not the faintest effort to do away with war. In still more ancient days, when it was considered a clever notion to pour boiling oil from the city wall upon the members of a beseiging force, it was the general custom to put the whole population to death, except the small proportion which was reserved for slavery. The plain fact is that men have always used against their enemies the most horrible weapons they could devise. Each of these has in turn been first abhorred by public sentiment, then tolerated, and then recognized as legal and permissible. The appalling character of future war makes excellent propaganda for advocating its abolition; but it would be a calamitous folly to suppose that it will ever fall of its own weight.

THERE is high comedy in the resolution recently introduced by Karl Radek in the Moscow Soviet and passed by that body. The Soviet government is called upon to use its efforts to prevent the crisis in Germany from growing into a new world conflict. "The policy of the Entente spells war. Following the seizure of Germany, the Allies will transform it into a stronghold for a new attack upon Russia." The Russian government, since the Romanoffs, has been called about everything under

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the sun, but as international peacemaker fearfully rushing to the aid of the status quo it warrants a brand-new adjective. The Associated Press report conceals just what the Soviets will do by way of soothing Europe. M. Radek and the resolution framers are doubtless capable of seeing it through. But should they have any trouble in making clear to the Russian people what the full implications of such a foreign "menace" to prosperity are, the American public should be only too glad to send bound volumes of its leading newspapers for, say, 1919 through 1922. We have always felt it would be calamity to let those splendid columns die in the files, and the American editor should rejoice at this chance to pay the debt of honor he owes to his favorite story.

Governor Pinchot and the Coal Strike

WHATEVER the outcome of the anthracite miners' strike, which began last Friday, the American public has reason to be grateful to Governor Pinchot for his courageous and vigorous intervention in the conflict. Forced by the failure of the federal authorities, and particularly of the Coal Commission, to settle the differences of the operators and miners, Governor Pinchot came into a muddled situation at the eleventh hour. He brought to it a clear and sympathetic insight into the elements of the controversy. His proposed terms of settlement, while they are for the moment not wholly acceptable to either party, are likely to determine the character of the final agreement and they will in all probability have the effect of preventing a prolonged strike. Not since the work of the Anthracite Commission of 1902 has a public official made so sane a contribution to the difficult problems of industrial relations.

Mr. Pinchot's most important recommendation, that wages be increased ten percent, is essentially sound. At the time when Mr. Pinchot assumed control of the situation, there was no longer the opportunity for an exhaustive inquiry into wages, prices and profits. All he could do was to use the accumulated studies of the Coal Commission. Unfortunately the Commission's data on costs and operators' margins, while interesting and suggestive, are not conclusive. Only with something approaching complete and reliable statistics of investments is it feasible to measure the profitableness of the anthracite industry. Such figures the Commission was either unable or unwilling to bring to bear upon the controversy. Under the circumstances, the time being short and a long and disastrous strike imminent, the sole remaining course was to draw reasonable inferences from the figures that were available. It was the consensus of opinion among those who had studied the data that an increase in wages of ten percent could be absorbed by the operators, railroads, jobbers and by the many supernumeraries, who ply their trade in the production and distribution of hard coal.

The issue of the check-off is less simple. It is in fact a many-sided problem which requires much more exhaustive public discussion than it has heretofore received. The check-off is certainly not the terrible, un-American device which the operators have declared it to be. As the union has pointed out, the operators themselves have used the check-off for their own purposes for very many years. At the same time, the check-off is not that first prerequisite to a strong labor organization which the union pretends it is. If the check-off were granted, the operators would probably be no worse off than they are now; and if the union did not win the check-off, it would probably be no weaker than it is now. In so far as the check-off is a problem at all, it is one affecting the relations between the officers and members of the union and not the relations of the union to the operators. Regarded from this point of view, there seems little reason at the present time to concede to the United Mine Workers their demand for the check-off. For experimental purposes alone, the officers of the United Mine Workers ought to be interested to compare in the next decade the course of their union among the bituminous miners, who pay dues through the check-off, with that among anthracite miners, who pay dues voluntarily and directly into the union treasury.

Indeed, the union's real problem is met by another of Mr. Pinchot's recommendations, that the union receive full recognition from the operators and that collective bargaining be universally recognized and applied in the coal industry. In the anthracite industry as in the bituminous, although not nearly to the same degree, the operators still cling to the traditional idea that a labor union must be kept weak in order to be made amenable. This conception of industrial relations has taken firm root in American soil. It is at the bottom of many open shop campaigns. It is the foundation of the proposition that collective bargaining is workable only where there is an even balance between union and non-union establishments in an industry. In practice it has been exploded again and again. Adherence to it has led to the most expensive labor battles this country has had the bad fortune to witness. But old ideas die hard—particularly in American industry. It is a hopeful sign that Governor Pinchot has now pointed the way toward a more intelligent method of industrial relations.

These terms and the eight-hour day, which had previously been conceded by the operators, represent in all probability the conditions on which the final settlement will be made. They are fair

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terms. It is hard to understand why some such approach to the question was not started by the United States Coal Commission months ago. If ever a public agency was forewarned, it was this one. For almost a year the operators and miners have been sharpening their weapons in the open. Both have flooded the press with ex parte statements of their claims. The Commission was created by an Act of Congress for the purpose of suggesting means of avoiding just the kind of situation it has now signally failed to avoid. It had at its service an unusually competent and large staff of investigators. No important source of information was closed to it. But it was unfortunately unable either to make peace or to inform the public about the merits of the dispute. Instead its members threatened, cajoled and at last fell into making public statements, almost as irresponsible as those of the miners and operators.

Within the anthracite industry itself, the outlook for the future is indeed dark. For constructive and intelligent suggestions by the Coal Commission, from which so much was expected, there seems at present little hope. Leaders of the industry, both miners and operators, have even less to offer. The bargaining tactics of both sides are as inefficient as they are archaic. Agreements born of the distrust and suspicion that prevail in the coal industry can be neither lasting nor effective. Compulsory arbitration, which has for a long time been the operators' panacea for their ills, has no chance of either acceptance or success as long as the miners feel that the cards are stacked against them. The first ray of light has now been shed by Governor Pinchot. It is in the highest public interest that he be encouraged to bring the present conflict to a successful issue and to lay the foundations for a more durable arrangement for the future.

Judges as Statesmen

THE June issue of the Harvard Law Review contains an eloquent and learned article by Prof. Felix Frankfurter on "Twenty Years of Mr. Justice Holmes' Constitutional Opinions." The article deserves to be read not only by lawyers, who would presumably be technically interested in its contents, but by laymen to whom the traditional American system of law and government is a cherished inheritance. It contains copious quotations from Justice Holmes' opinions some of which will be familiar to those who have followed the constitutional controversies of recent years, and others of which, in themselves hardly less important, may move the reader with the added zest of novelty. On the whole they express in flashes of lucid and vivid phrasing a theory of the function of the Supreme Court in relation to legislation which demands far more consideration and acceptance than it usually gets. Professor Frankfurter in his introduction collects this theory from the scattered dicta in which its different aspects are indicated. What are its outlines? And what does it imply?

The Supreme Court, Mr. Frankfurter points out, is the final authority in adjusting the relationship of the individual to the separate states, of the individual to the United States, of the forty-eight states to one another, and of each, some or all the states to the United States. It owes its prodigiously important position in the American commonwealth to its function as the supreme interpreter of a constitution which defines and limits both the authority of the Federal Government and in certain important respects that of the several states. It instructs all the active organs of the American government when, how far and why they have or have not exceeded their powers. The accepted theory of its exercise of this function was and to a large extent still is that the decisions of the Chief Justices embody the ultimate dictates of reason when applied to a relevant or legal political subject matter. They are "set apart from the concerns of time, place and circumstances" to serve as the interpreters of sacred and self-sufficient words which yield their salutary meaning to a process of inexorable logic. On the other hand, the theory which has informed Mr. Justice Holmes' constitutional opinions and which on different occasions he has luminously expressed, is very different. As he sees it, constitutional decisions are in any sense statesmanship with the limitations, qualities and the true perspective of such acts. In the words of Mr. T. R. Powell: "The court has drawn its lines where it has drawn them because it has thought it wise to draw them there. The wisdom of its wisdom depends upon a judgment of practical matters, not upon a knowledge of the Constitution."

"The life of the law," said Mr. Justice Holmes on one occasion, "has not been logic: it has been experience." The Constitution, he said on another occasion, "is an experiment, as all life is an experiment." "Great Constitutional provisions," he says, "must be administered with caution. Some play must be allowed for the joints of the machine. Legislatures are ultimate guardians of the liberty and welfare of the people in quite as great a degree as the courts." The word right he characterizes "as one of the most deceptive of pitfalls, it is so easy to slip from a qualified meaning in the premise to an unqualified one in the conclusion." Finally and not least important: "It is a misfortune if a judge reads his conscious or unconscious sympathy with one side or the other prematurely into the law and forgets that what seem to him to be first principles are believed by half his fellow men to be wrong. . . . We too

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need education in the obvious—to learn to transcend our own conclusions and to leave room for much that we hold dear to be done away with short of revolution by the orderly process of law."

Throughout the larger part of American history, as Mr. Frankfurter points out, the Supreme Court has interpreted the Constitution as if it were a flexible political experiment rather than as a revelation of ultimate juridical truth which gushed political salvation whenever a particular Justice by writing a majority decision pricked it with his quill. "The deepest significance of Marshall's magistracy is his recognition of the practical needs of government to be realized by treating the Constitution as the framework within which the nation and the states could freely move through the inevitable changes wrought by time and inventions." Of smaller but still substantial service were the later constructive achievements of Chief Justice Taney in providing a legal foundation for the early corporate and industrial organism of the country. And it is scarcely necessary to insist on the services of the Court in preventing the Constitution from becoming a strait jacket during the trying years of the Civil War, of reconstruction and of colonial expansion. For the first hundred years of American history the Court acted in the spirit of Mr. Justice Holmes' theory, though their own theory interpreted the Constitution as a revelation rather than an experiment, whose authority was to be confirmed by logic rather than by adjustment to conditions.

But during the past thirty years or more, the Supreme Court has tended to exhibit in its constitutional decisions an inferior brand of statesmanship. In certain respects it has erected arbitrary obstacles of judicial origin in the way of the law-makers both State and Federal who proposed as a consequence of the industrial revolution to restrict business and property rights in the interest of what they took to be the general welfare. Too many of the opinions in which Mr. Justice Holmes has developed his theory of the proper limits of the judicial review of legislation were unfortunately written for a minority of the Court. As a consequence of this obstructive statesmanship those political groups which aim to adapt American laws and institutions to what they believe to be contemporary social needs are discouraged by a general tendency on the part of the Court to extract from the Constitution a fatal antidote to many of their proposals for social legislation. In addition, practically the whole body of organized labor in the United States is convinced that the Constitution, as interpreted by the Supreme Court, has become a weapon which their class opponents can use in order to hamper and perhaps prohibit the unions from accomplishing their legitimate purposes. There is, consequently, particularly throughout the West, an increasing political agitation, which demands either the extinction of the review of legislation by the courts or at least its subjection to drastic restrictions.

We hope most sincerely that the behavior of the Court during the next ten years will deprive this agitation of any reasonable excuse. The functions which the Court exercises as a regulator of American political readjustment and as an arbiter among the several governmental organs set up by the Constitution, may seem to be an undesirable infringement upon the freedom of the American people to determine their political destiny, but it has not operated that way and in a sufficiently educated democracy it should not so operate. The principle of democracy, as Montesquieu said, is virtue, and we may add intelligence. The American democracy in accepting the ultimate political guidance of a body of nine successful lawyers who were not elected for the job and who were supposed unerringly to apply the rules of political reason to the specific controversies of American government and social life, has exhibited and still exhibits a touching confidence in the ability of its legally trained fellow countrymen to escape the infirmities which have traditionally rendered the application of the rules of reason to political controversies at best somewhat uncertain. In this relationship the American democracy has acted as it were virtuously and considerately; and until recently its confidence has not been misplaced.

But political virtue and intelligence are slippery and uneasy guests in any political mansion. They are not exhaustively embodied, as the Supreme Court has too often assumed, in any given group of specific rules, or in particular applications of the fundamental rule of statecraft which is the subordination of all political action to the unfolding and the amelioration of individual and associated life. There is danger that the Court, as now constituted, will interpret certain vague clauses of the Constitution too narrowly and thus condemn as illegal and fundamentally unreasonable the necessarily blundering attempts of the progressive democracy in America to adapt inherited laws and institutions to contemporary needs. In that event the American democracy will eventually deprive the Supreme Court of its supreme function and our conservatives will condemn the progressives for their overthrow of an institution which set up a supposedly rational arbiter of ultimate American political and social controversies. Yet if the Supreme Court does erect the Constitution into a barrier against orderly social readjustment, the real offender against justice and reason will be the Supreme Court itself and not the American democracy. It will have earned its own downfall by attempting to read the personal and professional sympathies and antipathies of its members into the law of the land. The Bar Associations would, consequently, do well to consider seriously the question which

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Mr. Frankfurter submits to them in his article. "If the exercise of this power," he asks, "has in fact resulted in a series of decisions which have evoked the overwhelming criticism of informed professional opinion, is it not time to inquire whether the nature of our legal education, the professional ideals and atmosphere, the basis of judicial selections and the conditions of judicial life are reasonably calculated to assure statesmanlike Justices capable of exercising their supreme authority with insight into social values and with suppleness of adaptation to changing social needs?"

The Ritual of Patriotism

THE question which arose lately between Mr. Harry Barnhart and Park Commissioner Gallatin over the playing of the Star Spangled Banner at the opening of the concerts of the Community Chorus served to bring out a fundamental difference in regard to the value and use of symbols. To Mr. Gallatin the national anthem is the sacrament of patriotism. Not to play it at the beginning of a musical program is only to be explained as a mark of perversity, indifference or disaffection. What he does not see is that the only value of the patriotic rite is in the voluntary participation in it. As soon as it becomes a matter of compulsion its virtue is gone. In England in the eighteenth century when conformity to the national church was enforced by law, it was the custom to allow dissenters to purge themselves of crime by annually appearing at the chancel rail and taking the sacrament. This practice of occasional conformity was finally seen to be an insult to the church far more deadly than abstaining from its services altogether, and resulted in a repeal of the penal laws against dissenters.

Undoubtedly Mr. Barnhart's objection to the anthem on account of its theatrical description of war in "the rockets' red glare" was far fetched. It is true, however, that the persistent use of the anthem in connection with a period of extravagant nationalism has given it a connotation that to many people is unpleasant, especially now that we are beginning to weigh seriously the consequences of that outburst. The enforcement by violence on the part of zealous patriots of the practice of standing up while the music was played, has not diminished their distaste. The observance of that rite had consequences that were both comic and tragic. Spectators at the trial of the editors of The Masses for opposing the war will remember the dramatic moment when a hand organ outside the building struck up the familiar notes of "Oh say can you see?" and the entire body of defendants rose and registered loyalty while the honorable court remained seated. Others may remember an occurrence at a concert in Chicago when three young men (two of them citizens of a neutral country) failed to rise, whereat leading citizens caused them to be arrested, to spend a night in jail, and finding no law under which they could be held longer, threatened their employers into turning them out of their jobs.

The prescribed code for honoring the flag, lately put forth by the American Legion, is a harmless ritual if its carrying out is left entirely to the good sense or warm feeling of the people. But the danger that it will not be so left is a real one. The flag is honored by what it represents, and sacred by virtue of its symbolism. It gains nothing by being made an object of compulsory and superstitious worship. On the contrary, such compulsion is to deny the very thing for which it stands in history; and the enthusiastic legionnaire who breaks people's heads because they wear their hats in its presence is guilty of dishonoring it in a far truer sense than are his victims.

It is true, uniformity of behavior on certain occasions is naturally pleasing to a cultivated sense of decorum; but such uniformity has its danger. During the war and in the early days after it was over, publications were censored by the postal authorities for breaking the phalanx of idealism and questioning the sincerity or the practicability of Mr. Wilson's program. In the retrospect, the phenomenon of a whole sovereign people uttering in unison phrases about making the world safe for democracy, none of them with a clear idea of what they meant and half of them with their tongues in their cheeks, appears not merely absurd, but portentous of evil to the world which has since been realized. The danger to our institutions is from the many who conform, not from the few who dissent; from Mr. Gallatin and not from Mr. Barnhart. The latter should be praised, even by those who disagree with him, as representing a feeble revolt against what Matthew Arnold calls "our stock notions and habits, which we now follow staunchly but mechanically, vainly imagining that there is a virtue in following them staunchly which makes up for the mischief of following them mechanically."

THE NEW REPUBLIC

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American Withdrawal from Europe

EUROPEANS in general and Englishmen in particular are chagrined and puzzled at the behavior of the United States since June 1919 towards its associates in the late European war. Remembering as they do the huge contribution which the American nation made to the success of the Allied armies and its apparently zealous support before the Armistice of President Wilson's international program, they cannot understand why during the years since the ending of the war it has so consistently and peremptorily refused to continue its cooperation. And now that the condition of Europe waxes desperate and the need of American assistance is almost as critical as it was in January 1917, they mingle with this misunderstanding an ill-concealed resentment and an irrepressible disposition to reproach America with a flagrant and inexcusable moral default.

In The London Nation of July 28 Mr. A. G. Gardiner publishes a typical example of this misunderstanding, dismay and disapproval. He is fully informed as to the reason for the unsocial behavior of the United States. Their "main purpose in reverting to isolation was antagonism neither to the Treaty nor to the Covenant but to the personal ascendency of President Wilson. In order to destroy him it was necessary to discredit him, and the peace was disavowed as a means to that end." Yet Mr. Gardiner is aware that his explanation leaves a good deal to be explained. He does not think "the responsible American mind has ever been happy under the sense that Europe was deserted for trivial and unworthy reasons." The United States "had come into the war under the impetus of a great national uprising. It had set up the ideal of a world organized for peace as the goal of post-war policy." Why did the national uprising subside so abruptly? Why did Americans forsake their ideal of a world organized for peace? Mr. Gardiner does not inform us, but he detects that the "American nation is troubled in conscience." Far be it from him "to criticize the action of America," but he cannot help reminding Americans of the penalty which they have incurred by their default. "In all probability history will say that in leaving Europe to stew in its own juice, America did the continent a dis-service that blotted out the service rendered during the war."

Mr. Gardiner and other liberal Englishmen have some reason for being bewildered, grieved and irritated at the recent behavior of the United States with respect to Europe. But when he explains the American default on the ground that "Europe was sacrificed in order to make an auto da fé of the Democratic party," he is interpreting the presidential election of 1920 not in the spirit of a disinterested inquirer, but in the spirit of a Democratic spell-binder. There is a gross discrepancy between the two aspects of his explanation. On the one hand America, according to his account, "with all its faults" possesses a "high sense of justice and a rare responsiveness to moral motives and a disinterested cause" which enabled it to rise to a high level of ideal accomplishment during the war. On the other hand after the war was over, the American people turned their backs on a manifest and grave responsibility and by a majority of seven million votes withdrew from Europe merely as a part of a frivolous and factious game of party politics. Which half is true or truer?

Both of them are, I think, less true than they should be. Mr. Gardiner's account of the reasons why the American nation nobly associated itself with Europe during the war and ignobly dissociated itself from Europe after the restoration of peace is unrealistic. He is accepting as true a belated survival from the war propaganda of the Allied Powers—the propaganda which attributed exclusive responsibility for the conflict to Germany, which pictured France as the innocent victim of the German ambition to dominate the Continent and the immaculate defender of civilization, which considered a complete military victory over the German army and a dictated peace as the only desirable ending of hostilities and which saw in the American Expeditionary Force a company of crusaders fighting in order to destroy the obstacles to a stabilized and regenerate Europe. Many thousand Americans believed this propaganda at the time and, so far as it accounts for the motives of their own country in entering the war, believe it now. Gardiner has, consequently, abundant American authority for his explanation. Yet it is none the less superseded. Now that patriotic Americans are no longer obliged to hate Germans as moral perverts and idealize the French as the blameless defenders of civilization, now that the decisive military victory and the dictated peace have, as an impressive group of English liberals recently testified, brought about "industrial ruin, wars, famines and revolutions" and now that the American people have inexplicably reverted to a state of mind which Europeans take to be as callous and selfish as it was in 1916, there is surely a strong prima facie case for examining more critically the official interpretation of the process whereby America entered the war and her motives for so doing.

There is, so far as I can remember, no evidence that the United States entered the war, as Mr. Gardiner declares, "under the impetus of a great national uprising." During the early months of

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1917 the American people were reluctant to abandon the advantages of isolation and to assume responsibility for the outcome of the war or the future political welfare of Europe. There was to be sure an influential, fanatical and highly articulate minority which was more European than the Europeans and which wished to intervene without reservations. There was a smaller minority consisting partly of the anti-English and pro-German ingredients in the population and partly of thorough-going pacifists which was disinclined to intervene unless the United States could limit its consequent military and political liabilities. Finally the vast mass of good Americans, as they showed during the election of 1916, wished hesitatingly to stay out. If they had been given a choice, most of them would have voted against war. But their opposition was not aggressive or stubborn. They were culturally more allied to the English than to the Germans and this fact had gradually opened their minds to the current presentation of the British and French case. They tended to be sympathetic with the western democracies and accepted as true the evidence of German responsibility for starting the war. Still they hesitated. They did not quite see how to make the quarrel their own or how to divorce their participation in it from essentially European political issues. Yet they were psychologically better prepared to intervene than they themselves knew. The drama of the Great War had begun to hypnotize them. Their adventurous, imitative and romantic disposition and the lingering remnants of their previous moral and intellectual colonialism made the part of spectator to one of the most momentous and morbidly fascinating tragedies of European history look to them unsportsmanlike and shabby.

Wilson's Interventionist Psychology

President Wilson, who was himself for a while the victim of the prevailing hesitations and misgivings, decided finally to intervene, and when he did his lukewarm fellow-countrymen were in no state of mind to oppose the decision. In his address of April 6, 1917, he rationalized American intervention so adroitly and so imaginatively as to quiet his own scruples. He associated the Allied cause with a lofty democratic internationalism and the finer aspirations of the traditional American foreign policy. He proclaimed a "Monroe Doctrine of the World." Those who were predisposed to object could not propose any positive alternative to intervention, and it was a part of the psychology of the moment to glorify positive action and to identify reservations and discriminations with moral cowardice. So the American people ratified the decision of their leader without any audible misgivings, and in a few months the war had grown in their minds into as much of an emotional vested interest as it was to the minds of their European associates. But they certainly did not "enter the war under the impetus of a great national uprising." They manufactured a great national uprising as a necessary emotional and technical corollary of their decision to enter the war. Mr. Gardiner has placed the cart before the horse and the error has resulted in a fatal misunderstanding of the war and the post-war psychology of the American people.

A Manufactured National Uprising

In saying that the American nation manufactured a great national uprising I am not using the word manufacture in a disparaging sense. Americans are a practical people who quickly grasp and do not flinch from facing the necessary consequences of their own decisions. Having entered a great war they quickly worked up a highly charged and thoroughly focussed state of mind which enabled them to put forth a great effort. They were Americans first, but the only way, whereby in their rôle as blind belligerents they could vindicate their triumphant Americanism was to fight fanatically. By the end of 1917 they had come to think about nothing except their contribution to military victory. During the Civil War the army and people of the North were vividly preoccupied not only with victory but with the political aims, such as the preservation of the Union and later the extermination of Negro slavery, which victory was to serve. The exigencies of war did not prevent them from continuing to discuss pertinent political issues frankly and profitably. They permitted one party in the presidential campaign of 1864 to advocate what in 1918 would have been called defeatism. On the other hand, during their part in the Great War they scrupulously avoided and discouraged political discussion, no matter how pertinent it was. There was nothing about the political issues they cared to discuss. Their only business was to mobilize in the service of a prodigious military effort all their emotional, technical and moral resources.

The result was a "great national uprising," but it was not born of any positive popular political convictions about the issues of the war. On the contrary, it was a violent and overbearing compensation for the absence of conviction. The lofty international program of their President the American people took for granted as a matter of war propaganda. It promised to weaken the enemy and, if it were not discussed or analyzed, to strengthen the Allies, but it was emotionally or intellectually of small importance to them compared to the business of fighting and the demand for victory. Their part in the war, as they conceived it, was almost exclusively a tour de force. They were less considerate, more intolerant and more fanatical during a conflict which did not compromise their own survival as a nation than they were during their own for them more dangerous but better understood Civil War.

This interpretation of their state of mind during

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1918 supplies a satisfactory explanation of their subsequent withdrawal. As long as the fighting lasted, they were encouraged to believe in the all-sufficiency of military victory. Their leader, it is true, associated military victory with certain noble political objects, but American opinion, like effective European opinion, never took the association seriously. Whenever any journal did take the President's war aims seriously, whenever it tried in practice to subordinate military victory to the proclaimed political objects or expressed a doubt whether the war-crazed American people were cultivating a state of mind which prepared them to assume the moral and political leadership of the world, the press, the public and the officials abused it as defeatist and threatened it with suppression. Is there any wonder, consequently, that as soon as the victory was won, the American people relapsed and lost their interest in the subsequent political proceedings? The cessation of the fighting brought the tour de force to a sudden end. It punctured the great national uprising. The American people awoke from their obsession, rubbed their eyes, looked around and tried to familiarize themselves with their unfamiliar surroundings. Inevitably the attempt assumed the form of reaction. They were not radically different from what they were in November 1916. The war being over, they were bound to behave much as they would have behaved two years before, provided at that time they had been consulted about their intervention in Europe.

America's Revulsion of Feeling

In passing judgment on their political withdrawal, Englishmen should remember the kind of world to which they awoke. They were ignorant of the value and meaning of European politics. Their own government had during the war encouraged them not to bother about its political aspects. They had been taught to believe in the all-sufficiency of military victory. They were suddenly released from a condition of emotional tension which was even more exhausting and incalculable because it was so largely artificial. It would have required a long process of public discussion to educate them to discover a positive relation between European politics and the familiar realities of their own political traditions and experience. Such being their state of mind, were they not certain to undergo a violent revulsion and would not the revulsion demand as complete a withdrawal from Europe as the circumstances permitted? They were sick of association with Europe. They were eager to seize any opportunity to extricate themselves. They elected the late Mr. Harding by a majority of seven million votes on a platform of reactionary normalcy chiefly in order to escape from participation in the settlement of political issues, responsibility for which they had never consciously assumed.

I am emphasizing this interpretation of American withdrawal not in order to provoke a controversy, but because, if it is true, it has an important bearing on the behavior and expectations of those Englishmen and Americans who would like the American nation to resume political relations with Europe. If it is true, Englishmen would do well not to betray so innocently their irritation with America for her default. Their own government is at least partly responsible. British propaganda did its best to shape the American nation into the kind of associate which was more interested in a knockout blow than in the future welfare of Europe. Then if it is true, both Englishmen and Americans should be cautious about expecting effective cooperation with Europe as the result of Democratic victory in the coming presidential election. The American people did not withdraw in order to make an auto da fé of the Democratic party. They made an auto da fé of the Democratic party in order to get rid of the obstacle which might hamper them in withdrawing. The Democratic party may elect its nominee for the presidency in 1924, but if it does, he will be elected under conditions which will force him to be circumspect about revising the decision of 1919-1920.

Limited Intervention

The American people will not listen to a plea for renewed cooperation with Europe which begins by reproaching them with an unworthy evasion of a deliberately assumed moral responsibility. Such an argument resembles those with which the good government clubs proposed to reform American municipal policies. No doubt the American people did assume some measure of responsibility for Europe, but they did not assume it deliberately and they assumed it as an unexpected consequence of the very means by which they instinctively sought to avoid it, viz., their contribution to the decisive victory. At the present time they are not sufficiently familiar with the realities of European politics to intervene capably and wisely. If they do intervene again they will, I hope, act on the prompting not of an uneasy conscience but from positive will, sympathy and knowledge. They should first understand how serious the condition of Europe is, in what way different governments and peoples have contributed to its calamities and what in particular Americans can do to restore political order and economic prosperity. Before they finally surrender their isolation, they are entitled to ask for a program which will define and limit their liabilities, which will be beneficial to Europe, and on which American public opinion can be sufficiently united.

In the winter of 1916-1917 Europeans put up to America a political puzzle just as complicated and difficult as is the puzzle of Europe today. It demanded a conditioned and measured solution. The American people were not ready to respond, but time pressed and they had to do something.

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The easiest way out was to fight and forget everything else. They did, but they will not repeat the exploit. Their political leaders cannot again skid them into a headlong dash through an unexplored country by subjecting them to the stern compulsion of military necessity. There is no avoiding the brain work which was as desirable in 1917, but in which at that time it was inefficient or unpatriotic to indulge. Many of those who favor American intervention seek to avoid the intrinsic difficulty of deciding in particular what America shall intervene to accomplish by proposing that the American government itself call an economic conference—an expedient which would again commit America to everything and Europe to nothing. They want intervention without any policy which the American people understand and to which the European governments have consented. Yet it is their inability to frame an analogous policy which is now causing the British Cabinet partly to withdraw from continental politics. The only policies which seem possible are either ineffective or else threaten war.

There is no doubt that the British and American governments could frame a joint policy which would have more chance of being effective and incur a smaller chance of war than would a separate policy framed by either of them; but if this is the way out, let those who wish America to intervene come out frankly in favor of cooperation not with Europe, but with Great Britain and against France. But no more dashes into a political jungle. No more intervention without reservations, without understanding and without specific and intelligent political preparation.

HERBERT CROLY.

Modern Sex Morality

WILLIAM JENNINGS BRYAN, in his recent discussion of "Morals for Men and Women," has detoured from his beaten tracks of free silver, effective prohibition, international peace, and anti-evolution, into the more pervading question of the love relations between men and women. His cloudy generalizations can be resolved into three demands: first, for a single standard for men and women in sexual morality; second, for a legislative enactment of the sacredness of the home; and, third, for the elimination of passion in the relations of men and women. These varying planks merit separate examination, before an alternate attitude can well be suggested.

It is an easy thing to demand a single standard for men and women; Mr. Bryan avoids the harder task of stating what this standard is to be. His demand apparently is for men to conform to the code now generally exacted of women in the United States. Married men's and women's love lives are to be confined to an after-marriage relationship exclusively with the wedded mate; the unwed are to have no sexual relationships. This is, at least, a definite theme for discussion.

The author's strictures against prostitution, which he calls the social evil, are largely well taken. It is only a compromise logic that defends that type of prostitution known as white slavery, a logic which claims to see man's lust and "good" woman's protection, and is blind to the women most concerned. There is a just and general stigma against any form of involuntary prostitution, as against anything unreasonably involuntary. We must favor steps to end the theft or swindling from a woman of her body's usance, and its subsequent commercialization. Man's profit from this industry is almost as unsocial; although, if the woman elects it, the case is slightly altered. Yet this is a protection against forces that prey on the woman; remove these, as by ending the unofficial tax on the outlawed business in the shape of routine arrests and fines, and the prevalence of such voluntary protectorship ends.

The case of the voluntary prostitute, from the woman's standpoint, is different. It must be remembered that a woman's body is her own, but for those rights voluntarily surrendered to organized society. Take the case of the girl who chooses the temporary affluence of being a rich man's mistress, rather than the continuing poverty of continence; this choice is ethically not remote from a parent's disposal in marriage, or a scheming girl's marriage for worldly advantage; it is often more remunerative. Nor is the woman who elects promiscuity for pay ethically different from the mistress or wife for money. The evil is the marketing of this intimate and satisfying relationship, a transaction which usually spells unhappiness, whether the title worn be call-woman, mistress, or wife. And yet its hoarding, in our commercialized society, may breed greater unhappiness. The chance for happiness comes most to those who do not market their affections. Whether love is sold or not, the matter is experimental; the woman is entitled to choose her experiments. Our utmost right is to enlighten her, as far as possible, upon what lies in front of her.

Where there is no commercialized consideration, wifehood, mistress relationship, or promiscuity is of course not prostitution. The motive here is some aspect of love; intermediate motives may be resolved usually into their worldly and affectionate components. Man's relationships, whether called

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monogamous or polygamous, have long been largely promiscuous; the unethical part has come in where he has secured his women through cracking the financial whip, left so long in his hands. Without this whip, when love or sexual desire has been motive and method, unless victimization has occurred, his activity has been ethical. Love and sexual desire are in essence the same; in finely tempered individuals, desire is overcoated with tenderness and allied emotions, while in coarser, more primitive natures the desire is simpler: but both are love, whether called connubial affection or lust. Woman today is increasingly becoming a wielder of the financial whip. The home of yesterday has spread into mill, factory, office, a multifold specialized substitute; woman has followed the scattering, enlarging home, thereby acquiring wages and profits. The acquisition of legal, political and social rights has grown naturally from her altering status. Her body's usage is no longer her sole coin for buying bread and butter, whether the token was stamped sacred by a marriage license or not. She can now increasingly buy her will of the world; and she will not buy the old double standard of morality, of abstinence or monogamy for her, and promiscuity for the male. This is true of the modern business woman, the flapper, and the liberal wife. Woman might have sought to buy a common monogamy; if this had been her unanimous desire, and she had all financial power, she might have made this choice. But the altered conduct of woman today establishes beyond argument that this is not her universal wish. Shaw glowed wittily that the wise modern woman today prefers part of a first-rate man, to all of a second-rater. An increasing number of women insist upon widening sexual experience. Of course, woman has no dominance of financial power. She may demand a single standard for man and woman; this will be less a hard-and-fast monogamy, than an elective monogamy or reasonable promiscuity, depending upon the preference of the men and women individually involved.

What arguments can be adduced to favor abstinence or monogamy as the sole alternatives? Not the Bible: with all its penalties for adultery, as a violated property right, polygamy was a custom—David and Solomon were mighty men before the Lord in this respect; and prostitution was a constant fact. Even if the Bible were a tract for monogamy, the case would still be feeble: modern science has mirrored too clearly the folklore origin of the books to permit a thoughtful modern man to accept them as more than persuasive suggestions.

Outside of the Bible, does science condemn everything except abstinence or monogamy? Mr. Bryan apparently believes so: "Indulgence is not a physical necessity in man, any more than it is in woman. . . . The God who made man and endowed him with a passion essential to the perpetuity of the race, not only made continence compatible with health but punishes sex immorality by inexorable law." This is typically misleading. Indulgence is a physical necessity from the standpoint of the individual as well as the race, in order to produce a roundness of human experience, a complete manhood or womanhood. Its omission leaves a physical, mental, and spiritual gap. A man abstaining for life is little better than a eunuch; and a eunuch is much less than a man. We speak, not of rare exceptions like high bloodless ascetics, but of humanity in general. It is as untrue that sex immorality is punished by inexorable law. A limited promiscuity, with healthy members of the opposite sex, produces no physical punishment, no attendant venereal disease. Germs are no longer regarded as punishment by God.

Of course, the matter of children must not be overlooked. The same birth prevention limits the offspring of married and unmarried couples. Marriage or union for love is justifiable only as long as the love, with emotional by-products, lasts. If children have come, these must be properly provided for. They gain immeasurably by continuing contact with contented parents; but there is no balm in the constant mental, spiritual, and physical wrenches and ills that the children of an ill-mated couple must undergo. Society of the future will tend to realize that motherhood for love is as ethical as sexual union for love; there is no just stigma of illegitimacy upon any child ever born. Neither God nor law can justly visit the sins of the parents upon the first, much less the third or the fourth generation, beyond the natural toll due for any mismating. Intelligent motherhood will be hailed as a social benefit, which society should recompense; motherhood pensions reach in this direction. Proper institutional training of children is better than average home training; as social service becomes more than a phrase, such institutions will approach their proper functioning, and the weak argument that children gain from the invariable monogamy of their parents will vanish.

The haphazard selection of mates is a strong argument against monogamy. There is no legal provision for trial marriage, or adequate knowledge of the intended mate. Many contracting parties are mentally, physically, or spiritually incompatible at marriage; many more lack similar aptitudes for growth. Tragedies fester out of sight, where mates are frigid or otherwise unsuitable; an occasional ochre scandal lifts such a case to view. Unhappiness bred of marriage is no divine dispensation, but a human error, demanding human correction.

Abstinence, during the vigorous twenties, is unnatural; marriage then is increasingly unwise financially. More and more of our youth will not accept abstinence. The varied contacts of the war were liberalizing and liberating. Experimental

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promiscuity is an increasing fact; the clock cannot be turned back to genteel, unjust yesterday. There is no sound argument for the alternatives of abstinence or monogamy for man or woman.

Mr. Bryan's second point, that there should be a legislative enactment of the sacredness of the home, is far weaker. The localization of "sacred" upon any human institution has always been a blight. We call the church sacred, and baseball and the movies profane; the front pews are a desert, the bleachers and movie houses are packed. There is a land which has a Sacred Cow: it gives no more milk than a profane one. Mr. Bryan in his zeal would punish conduct "leading to the tragedy of consummated infidelity." It does not make it tragedy to call it so. Nothing is to be gained by calling the home another sacred cow.

His third point is almost unbelievable: that passion must be eliminated in the relations of men and women. "Christ gives us the only rule: desire must be stifled in the heart before it finds expression in act." The world would be a vacant pew, if this emotional alteration had ever controlled. Nor does this quotation, if authentic, add to its author's worth as an adviser in human affairs. This remedy is worse than childish: for children are sometimes wise.

"Virtue," says Mr. Bryan, "is the highest property of human life, for it is, in its final analysis, the basis of perpetuity, because it is the price of reproduction." By virtue he obviously means a chastity defined as abstinence or monogamy—a tongue-tied definition of yesterday. Charlotte Perkins Gilman is on higher ground when she defines it as selection. We may safely leave it here.

The ideal mating will include a novitiate or trial, where any incompatibility will permit a graceful dissolution. Its duration will depend upon common desire and willingness, plus the proper upkeep of the children—a task society may at any time take over. It will permit dissolution when either party finds it a failure. During its course, outside relationships are at most possible grounds for the other party's termination of the mating. More transient relationships will always be provided for, as answering specialized needs, and as pragmatic education in living. Morality is that which brings the greatest joy to the greatest number; joy in its essence is the utilization of power. Whether this power be financial or physical, mental or spiritual, on the part of man or woman, its existence will achieve ultimately that ethics which permits its exercise. Monogamy has never existed in this world; our present custom is a partial monogamy for many women and some men, and divorce, remarriage, prostitution, and promiscuity for others. Society's unreasonable taboo against general human practices is at fault. No statutory increase of the taboo will aid; what is needed is a liberation of human forces, so that in their own fine natural way they may seek and seek, until they approach the postponed dream of a heaven on earth.

CLEMENT WOOD.

The Railroad Alternative

MANY imagine that the alternative to drastic railway reorganization is a continuation of present rates, regulation and control. The record of the first six months of 1923, on the contrary, reinforces the conclusion that the railways cannot stay as they are. The real alternative to an extension of public power over the carriers seems to be an extension of private power, with higher rates and less regulation.

Mr. Samuel O. Dunn, editor of The Railway Age, made an address last May on "The Business Man's Interest in Railway Net," which was reprinted in a recent issue of his journal. It sets forth, among other things, that during the past fifteen years the railroads have been sliding into a worse financial condition. It sets forth the well known fact that they have not been able to keep up with the need for additions and betterments. It shows how this is due to insufficient net earnings, which are in turn largely affected by rate regulation. Mr. Dunn opposes the regulation of recent years and its support by the public. The net income which the companies will be allowed to make under the Transportation Act is dependent chiefly on the valuation—since 5¾ percent on the valuation has been declared to be a "fair" return. And Mr. Dunn contends that this will not be enough to permit the necessary new investment.

A return of 5¾ percent on the Interstate Commerce Commission's tentative valuation of about $19,175,000,000 as of January 1, 1923, would be about 5½ percent on the companies' valuation as carried on the books. In the ten years before 1917 there were five in which the roads earned an average of 5½ percent on their book values, and this resulted in an average annual investment of $700,000,000 in new facilities. In the other five years the companies earned an average of 4½ percent on their capital, and this resulted in an annual investment of only $400,000,000. Yet the Joint Commission of Agricultural Inquiry stated in 1921 that at least $750,000,000 per annum should be spent on new facilities, and other authorities place the figure at over a billion. "It is by no means certain," writes Mr. Dunn, "that if the railways are allowed to earn in future an average return

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of 5¾ percent upon a valuation equivalent to that now placed upon them by the Commission, they will be able to raise all the new capital required to increase their facilities."

Even to make 5¾ percent will be difficult. This is the best year the roads have known in a decade. Car loadings have broken all records. Production and trade have been at the peak. The cost of wages and materials have been comparatively low. Rates have not been greatly reduced. Yet the rate of net income on tentative valuation for the first six months is only 5.64 percent—if usual seasonal variations are allowed for. The return on book investment is only 4.94 percent. And the valuation does not include over a billion already appropriated in 1923 for new equipment. Meanwhile costs are going up and peak traffic will be handled at a diminishing return. When the year's story is told, the story of a year of as great prosperity as we are likely to have, it is not certain to show even the inadequate 5¾ percent.

But this does not picture the plight of the roads as dark as it is. Mr. Dunn's statement is really too moderate. It is misleading to speak of *a* return of 5¾ or any other percent for the nation's roads as a whole. They do not literally put their capital into one basket and share their gains and their losses. Some railroads conservatively financed, well managed, favorably situated, are making large profits—ample to secure all the capital they are likely to need and more besides. Such roads might well afford higher wages or lower rates or both. The average is weighed down by other companies, some of which are just afloat, others of which are so deep in the mire that any possible increase in rates or average return would not extricate them. The New England roads, as may be seen by the report of the Storrow committee, are a case in point. There is, to be sure, a recapture clause in the Transportation Act designed to take excess profits from the more successful roads for the sake of necessary investments by the weaker ones. But it is beset by many complex technical adjustments, and before it can become fully effective it is likely to be nullified in the Federal courts on Constitutional grounds.

The financing of new facilities is complicated in another way. The railroads have been more successful in raising money for cars and locomotives than in securing the capital for enlargement of terminals, yards, trackage and other fixed improvements. This fact is particularly noticeable this year, when large amounts have been spent for new equipment, but less for other necessities. The difference arises from the fact that the purchase of equipment is financed by "equipment trust certificates" secured by liens on the cars and locomotives purchased. Since such property is transferable, theoretically, from one road to another, equipment trust certificates may be issued with little reference to the existing capital burden on the plant. But capital issues for fixed improvements are seriously hampered by overcapitalization of the companies. Up to a certain point, additions to rolling stock and motive power help the roads to meet traffic requirements, but beyond that point they are likely to create confusion unless accompanied by improvements of terminals and right of way. It would be better economy to spend more money on fixed facilities, though finance dictates the enlargement of rolling stock instead.

Consolidations might conceivably furnish a remedy, but there is no power to enforce consolidation, and the strong roads naturally show little inclination to take over the weak or to combine according to plans best suited to the nation's needs. At best, consolidation under the Transportation act will drag its weary length over the years.

Railroad interests look with envious eyes at unregulated industries which contain companies making such large profits that they scarcely need to look for outside capital at all. If human legislation were removed, would not "economic laws" operate naturally to solve the problem? Would not rates arrive at the proper point to attract capital? Would not the more efficient companies come to the top, and bankruptcies and consolidations gradually eliminate the weaker ones? This is obviously the direction which railroad development must take if we do not arrive at some drastic solution on the basis of a national system. But the railroad men do not visualize the obstacles which stand in the way.

In any manufacturing industry, there is a wide spread between the most profitable firm and the marginal establishment just able to get along. The better managed or more favorably situated companies have comparatively low costs. But they cannot supply the whole demand, especially in periods of prosperity. The result is that the higher cost establishments are called into production. Prices rise at least high enough to give them a profit. This is the economic situation which, aside from monopoly, makes possible the enormous profits earned by the great industrial corporations. When times are bad the marginal establishments go out of production. Some of them fail. Others are absorbed by competitors. When demand and prices rise again, they or others come back into the field.

In point of distribution of income, this arrangement injures the public, but it is not fatal. Wages are lower and prices higher, in the long run, than they could be if all the demand were continuously filled by the most efficient companies. In point of service, the public does not suffer so much. The distribution of goods is national, and it makes little difference if any given plant goes out of business.

Aside from legal theory, there is a fundamental economic difference between railroads and productive industries in respect of the marginal companies. This arises partly from the fact that with railroads the field of competition is very narrow. It also arises from the fact that, while there are

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variations in the demand for service, there are few roads that could ever be abandoned entirely. Some essential demand always exists for the service of the least efficient road. Railroad service cannot be shipped about the country like steel or oil. Complete plants must remain in existence in all territories. The result of this fact is that, under present divided ownership and control, rates must be kept high enough to produce a surplus even for the marginal companies under all conditions. If any company becomes insolvent, it cannot gracefully leave the field for others to exploit. If we were to rely on "economic law" to solve the transportation problem, we should be beset by higher rates, lower wages, and more dangerous lapses of service than in the case of the manufacturing industries. Indeed, troubles of this kind face us now. This is particularly true in the matter of service, rates and wages being subject to at least some regulation.

The question business men and others should ask themselves is whether, confronted by the choice between a national railway system and increased private railway initiative, the American public will undergo the hardships incidental to the latter alternative. Will people wait for the weaker roads gradually to break down and approach bankruptcy? Will they pay the high rates necessary in the meantime? When the crisis arrives, will they always find someone ready to step in and rehabilitate the damaged property? The chances seem slim indeed. In the case of railroads the public is compelled to take an active interest in sound financing, consolidated ownership and efficient management. It cannot retreat to the morass of private initiative in any hope that competition will improve the situation. The plain fact is that the old theories of private enterprise do not work in transportation, no matter what fears of "socialism" or "governmental inefficiency" may be entertained.

Would it not be more shrewd to turn forward and attempt to unravel the knot by collective plan? How can the crushing burden of capitalization be scaled down? How can the necessary new capital be furnished most cheaply and safely? How can morale be improved? How can operation be made more efficient? How can the large economic wastes be eliminated? There are many reasons for believing that some form of nationalization will furnish the answers. We need not turn to the worst type of bureaucratic control. Surely American organizing genius is capable of devising a national railway system which will retain the best features of private initiative without its absurd confusion.

GEORGE SOULE.

The Balkan Powder Magazine

THE sudden quarrel between Italy and Greece, based on the assassination of the Italian members of the Albanian frontier commission, serves to remind the world how easily a crisis may be precipitated in Southeastern Europe. Before the news was twenty-four hours old, more than one commentator was writing anxiously of the parallel between the present situation, and that which followed the assassination at Sarajevo and produced the Great War. Students of Balkan affairs, however, did not need Mussolini's defiant ultimatum to be apprehensive of the situation in the Near East. The status quo in the Balkans has long been a matter of a delicate balance, which once lost would inevitably bring war. The complexity of the situation has been increased since the Bulgarian revolution and the assassination of Stambulisky which followed it with such ruthless promptness.

Despite the fact that questions of foreign politics played little or no part in the Bulgarian revolution, the situation produced by it has ever since been fraught with danger. In the Balkans, politics are for the most part the affair of a small minority with a Western or semi-Western education, and are extremely personal in character. That was how the political life of modern Greece and Bulgaria began, and in both these states the demoralizing effects of the European War have shown themselves particularly in a reversion to their earlier political conditions from which the two nations had been just beginning to extricate themselves. We must therefore look in the first place to the personal factor for an explanation of what has occurred. This accounted for the fall of Venizelos in 1920; and probably for that of Stambulisky in 1923, greatly though the two men differ in training and character.

Certainly, in Bulgaria, as in Greece, there has been plenty of fuel to feed the flames of personal vendetta. The entry of Bulgaria into the European War in 1918 was the signal for Stambulisky to be consigned to prison, and he was accounted lucky to escape with his life. The capitulation of Bulgaria in 1918 signified in internal politics a change of places as between the imprisoned and imprisoning politicians. Mr. Stambulisky bequeathed his cell to his predecessors in exchange for their portfolios, and it is only natural that the victims of the moment should have brought the wheel round again full-circle at the earliest opportunity.

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The personal factor is therefore the principal key to the politics of Sofia, as of Athens, Belgrade, Bukarest and Angora, but it will not, of course, unlock the whole mystery. The gulf between the tiny minority of Westernized townspeople and the mass of unsophisticated workers on the land is indeed a very real and a very fundamental fact in the present stage of Near Eastern social history. Mr. Stambulisky had made the interests of the peasantry his battle-cry, a thoroughly sound policy, in a country where the workers on the land so vastly outnumber those in the towns. The political ascendency of the urban minorities is proving unstable even in western Europe and America. In the Near East it depends on a monopoly of that Western culture and technique in which these countries now live and move and have their being, and the monopoly will inevitably disappear as soon as the rural masses either cast out Occidentalism or are assimilated by it. Stambulisky stood for a first essay of the Southeast European peasant to enter into his kingdom. The movement has had its other exponents and champions in neighboring countries. Mr. Radick in Croatia is one, and there are analogies in Rumania. The fall and assassination of Stambulisky cannot permanently arrest its march, but at the same time it shows that this movement is still in its infancy. Apparently, the average peasant still takes a lay leave of his brother who dons the black coat of the politician, and leaves him to take his chance in a dubious and unintelligible trade, even if peasant rights are the cause which he professes.

Thus the Revolution originated primarily in personal and secondarily in social conflicts, but not in the relations between Bulgaria and her neighbors. Unfortunately, however, there is a practical connecting link in the shape of the Macedonian refugees. The new Government has disclaimed any connection with this element; but it is improbable that such an important political force as the Macedonian organization would abstain from the struggle for political power. The Macedonians, who are bona fide nationalists with a particularly good cause, to which they have sacrificed their individual lives and fortunes courageously, had the best reason to hate Stambulisky, who was doing his best to sacrifice them, cause and all, for a higher and more far-sighted policy of Southeast European reconciliation. Down to the moment of Stambulisky's overthrow, the Macedonians were the only element in Bulgaria that was openly defying him. Most of the bourgeois leaders were securely lodged within their walls. The Macedonians, on the other hand, were contumaciously levying taxes and conducting the government in the districts adjoining the southwestern frontier.

Even if the Macedonians and the present Sofia Government were really strangers to one another, the contrary would be assumed by the government at Belgrade, and this adversely affects the internal political development of Jugoslavia, on the issue of which the future relations of all the Southeast European nations to one another very largely depend. When Stambulisky still appeared absolutely secure in the saddle, Pashich and the Serbian centralists seemed to be in process of subjection by the Jugoslav revolutionists under the leadership of Mr. Radick. A defeat of Mr. Pashich and his policy before Stambulisky's death would have done much to strengthen the position of the latter. If and when Jugoslavia turns into a federal state, what is now Serbian Macedonia is almost bound to become one of the autonomous members; and since the amount of autonomy accorded to each member would presumably be the same, and the Slovene and Croat units would insist on the free play for their respective dialects and cultures, what is now Serbian Macedonia would on that day become as Bulgarian in its official life as it is already in the speech and aspirations of its inhabitants. In other words, the province which has hitherto been a bone of contention between Serbia and Bulgaria would become a bond of union between Bulgaria and a federalized Jugoslavia. An autonomous Macedonia would in effect be a Bulgarian unit in a Jugoslav federal state, and it would become an open question whether the Bulgarian national kingdom could not be brought on the same terms into the same association.

The dénouement of the internal crisis in Jugoslavia was forestalled by the revolution in Bulgaria. Had Mr. Stambulisky survived to see a victory by Radick his Macedonian policy would have been justified of its fruits, the two peasant statesmen would have understood one another, and the Bulgar and Croat, who have never been neighbors and therefore never enemies, would have come to terms. The new Bulgarian government could not do better than to carry on the foreign policy of Stambulisky and play a waiting game, leaving the destiny of Macedonia to the issue of the conflict between Zagreb and Belgrade.

But will the Macedonians allow the government at Sofia a free hand? It is no use expecting them to be long-suffering. All that they know is that their old enemies the Serbs are still holding them down by force and planting Serbian colonists in their country. They will naturally seize any chance that offers of forcing their fellow-countrymen of the Bulgarian kingdom to intervene in their favor, as they have so often done before. There is thus a very real danger from the side of the Macedonian emigres, But even if they neither make nor prepare a move, it is equally possible that Belgrade may take the initiative, on the calculation that the war cry of "the Bulgarian danger" is an excellent red-herring to draw across the path of constitutional reform in Jugoslavia. On the pretext of insecurity on the frontiers, internal questions might be postponed, and the grant of autonomy to Macedonia possibly averted.

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Serbia will struggle hard to keep Macedonia as an integral part of herself, even if she is forced to give way elsewhere—partly from the human dislike of disgorging the spoils of war, and partly because a Serbian unit which included Macedonia would still be the leading state in the Jugoslav federation, while a Serbia hemmed in between an autonomous Croatia on one side and autonomous Macedonia on the other, might find herself relegated to a secondary position. The situation precipitated by the Bulgarian revolution is thus hazardous from every point of view.

ARNOLD J. TOYNBEE.

Death and the Lady

Their bargain told again

Death to the Lady said
While she to dancing-measure still
Would move, while beauties on her lay,
Simply as dews the buds do fill,
Death said: "Stay!
Tell me Lady,
If in your breast the lively breath
May flicker for a little space,
What ransom will you give to death,
Lady?" he said.
"O not one joy, O not one grace,
And what is your will to my will?
I can outwit parched fancies still."
To Death said the Lady.

Death to that Lady said,
When blood went numb and wearily,
"In innocency dear breath you drew,
And marrow and bloom you rendered me,"
She said: "True"
"How now Lady?"
"My heart sucked up its sweet at will,
Whose scent when substance' sweet is past,
Is lovely still, is lovely still,
Death," she said.
"For bones' reprieve the dreams go last:
Soon, soon your flowery show did part,
But preciously I cull the heart,"
Death said to the Lady.

Death to that Lady said:
"Is then not all our bargain done?
Or why do you beckon me so fast
To chaffer for a skeleton
Flesh must cast,
Ghostly Lady?"
"For, Death, that I would have you drain
From my dead heart the blood that stands
So chilly in the withered vein.
And Death," she said,
"Give my due bones into your hands."
"Beauties I claim at morning-prime,
But the lack-lustre in good time."
Death said to the Lady.

LÉONIE ADAMS.

CORRESPONDENCE

Can France Reduce Its Standing Army?

SIR: A recent issue of The New Republic contains an editorial note regarding a rumored agreement between France and Great Britain, to the effect that, on the latter power's undertaking to furnish 200,000 troops in case of attack by a third power, France was going to reduce her army by an equal number of men.

The writer of the note in your journal expressed doubt that the British Premier would sign any such undertaking. I see no reason why he should not do so if such a desirable consummation as a cut of such proportions in French armaments could be reached. The reason why such a reduction is impossible is due to quite other causes. Readers of American newspapers recently learned that the strength of the French army has been fixed at 460,000 men (I only take metropolitan troops into consideration, not those in the French colonies and overseas possessions). They think that if the French could be induced to cut down this number the cause of peace would be served.

The keynote of the existing organization is that every Frenchman able to bear arms is a soldier from his twentieth to his forty-fifth year. He passes from the active army into the reserve army and later into the territorial army. With an active army of 460,000 men doing eighteen months' service the annual contingent of recruits is about 300,000 men. In twenty-five years (the period each man serves) the country is thus able to accumulate a total fighting force of 7,500,000 men. Allowing for deaths and for men who, with the years, become unfit for military service, we can count on at least 5,000,000 men. This is the armed strength, the real fighting force of the country when attacked.

A reduction of the French active army by 200,000 men would mean that during twenty-five years the total defensive force of the French nation would fall from 5,000,000 to 2,500,000 men. How could any offer of 200,000 men by Great Britain, if France were attacked, compensate her for abandoning half of her defensive force? If the 200,000 British troops were only the first installment to help to guard the French frontier and if the British government undertook to mobilize a couple of million British reservists to replace those France had sacrificed then the situation would be a logical one.

The only other remedy is that all the nations of Europe should abandon the whole conscription system (invented by the Germans over a century ago) and should go back to professional standing armies. Before the Scharnhorst system wars were merely a kind of glorified ordeal by battle. Each country sent out an army, rarely exceeding a quarter of a million men, and agreed to abide by the issue of the conflict. As a consequence countries quickly recovered from the short and sharp collisions of their professional armies. National pride and prestige suffered, but the nations were not "bled white" as they are under the modern system.

Similar results could be obtained by a gradual reduction of the active armies. If the French active army could be steadily reduced by 30,000 men a year, in ten years the number of men with the colors would be reduced to 160,000. It is difficult to say by what means these 160,000 could be recruited. The conscription of 160,000 out of a possible annual "classe" of 300,000 would be very difficult under a régime of republican equality, especially as they would have to be passed into the reserve and territorial armies, thus forming a special class of citizens more burdened than the others.

The solution that will ultimately be found will probably be the creation of *two armies,* one a professional one about 250,000 strong to act as the armee de couverture with a reserve of every able-bodied citizen who, on reaching his twenty-first year, would be given a military training of six months. The fact that the latter-day French army already contains a professional element 100,000 strong and that it is proposed gradually to reduce the period of service in the active army (already cut since the war from three years to eighteen months) gives ground for believing that this will ultimately be the solution of the military problem.

G. GORDON-SMITH.

Washington, D. C.

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A Superior Supreme Court

SIR: "Cassandra's" suggestions captioned "Solving the U. S. Supreme Court Problem" in your recent issue are interesting. The Constitution places the appointment of judges and of all officials in the hands of the President by and with the advice and consent of the Senate. Hence, to make any change in this vital feature through which the Fathers sought to establish the principle of the separation of governmental powers, necessarily involves the slow processes of constitutional amendment. But with respect to the creation of courts and their functions, no amendment is needed, for the Constitution empowers Congress to "ordain and establish courts" and define their jurisdiction within the limitations of that instrument.

In these circumstances why indulge in the anomaly of a court *superior* to the Supreme Court? Why not merely free that court of all but its most important jurisdiction, which is passing upon cases involving the Constitution, leaving all other matters that now clutter its calendars to be disposed of in a new and general court of appeal from all the circuits inferior only to the present Supreme Court?

With the federal judicial system thus reorganized, it should be possible to avoid the long delays and consequent business uncertainties by developing a procedure that would enable cases involving constitutional questions to be certified direct to the Supreme Court from courts of first instance, whether state or federal, without all the expense to the public as well as to the parties of intermediate appeals. In order to make that court rather less open to the criticism that its personnel is somewhat removed from the law-making side of the government, the judges might be divided into three classes, selection of their successors being apportioned equally among the President, the Senate and the House, with perhaps three to be added in some more popular way. This alone would require constitutional amendment. The court reorganized along these lines might, in order to expedite business, resolve itself into parts—the entire bench convening only for the final determination of constitutional questions and other matters of major importance. B. T.

New York.

Women and Wars

SIR: On July 18 you published a Prayer, delivered by the Rev. Charles O'Connor, which I found extremely valuable and interesting. The paragraph next to the last follows:

> We pray Thee that the declaration of war be placed in the hands of the mothers of the land; for only there will it be in safe keeping. Then, indeed, will war's scourge be banished from the earth forever.

Is there anything in all history or present experience to show that woman is any less eager for war than man? Frankly, I do not have that feeling about the matter, and I have not discovered that it was so in the women that I have met. I recall reading in the Memoirs of Richard Lathers that when he was visiting the South, just prior to the outbreak of the Civil War he states that he found many men who deprecated the coming conflict, but he did not find a single woman who spoke to that effect.

E. R. HARDY.

What is a Species?

SIR: In a recent reply to Vernon Kellogg, Mr. L. S. Keyser asks that the evolutionist point to two items as "proof" of evolution: spontaneous generation, and the actual transmutation of species. Of course the doctrine of evolution in no way depends on a particular theory as to the ultimate origin of life. How life first began is one problem, how it developed or evolved —if it did evolve—is another. Spontaneous generation, proved or disproved, would not influence the doctrine of evolution.

It is unfortunate that Dr. Kellogg should have laid himself open to the misunderstanding which lies behind Mr. Keyser's second demand. For he seemed to agree that the biologist is assured of the reality of such an entity as a species and knows exactly what it is.

Now of course the significance of Darwin lies precisely in the denial of the whole notion of immutable species of beings which procreate each "after his own kind." The pre-Darwinian doctrine of species implies a changeless and perfect "form" for each kind of plant or animal, never perfectly realized in any individual but always existing as an ideal which guides the forces of reproduction. The evolutionist cannot point to the transmutation of any such species because it does not exist; and evidence of such transmutation so far from proving the theory of evolution would be its effective disproof in the form held by modern biologists. There is nothing to transmute except a common noun or an abstract term.

For the biologist conceives of a species as just a group of creatures enough alike to be treated together for certain purposes. These never do reproduce *exactly* "after their kind," and no one can define the degree of variation which should constitute a specific change. Certainly variations have been observed within certain groups, e.g., in the species, viburnum opulus or cranberry tree—which are far more extensive than the differences which separate other "species." The newly discovered loganberry is a hybrid but, if studied apart from its known origin, it would certainly have to be classified as a distinct species. The differences between the Newfoundland dog and the "toy" terrier (both of the same species) are more profound than those between the common wild violet and the English or sweet violet (two species, viola cuculata and viola odorata). Let Mr. Keyser tell us what a species is before demanding evidence of its transmutation.

One can scarcely resist the tu quoque. Will not the believers in special creation oblige by citing us an eye witness?

HORACE B. ENGLISH.

Antioch College, Yellow Springs, Ohio.

The Nordic Supremacy

SIR: Professor Kellogg insists on dragging Mendelian heredity and the experiments of plant and animal breeders into a realm that transcends the biological level. There are two kinds of variations in the structure of the human races. There are the definite physical variations which separate the great races of the world (as for instance the Caucasian and the Negro)—variations ascribable to the spontaneous action of natural forces and not to be overcome by artificial means. But even such differences do not destroy the specific biological unity of the human kind as is shown by the fact that cross-bred races do not lose their fecundity.

The second class of variations are those that distinguish subraces. The study of sub-racial differences belongs, properly speaking, to ethnology rather than anthropology. They are accidental variations brought about by the grouping of men in distinct societies. Whatever their ultimate nature may be, the fact remains that these characters can be grasped chiefly through their vague psychological manifestations. That they are to some extent hereditary is more than probable, but their heredity is evidently dependent upon the maintenance of the group environment. The distinction between Nordics and Alpines—if the distinction must be made—belongs to this category.

Moreover there is no justification for regarding psychological "behavior patterns" as subject to Mendel's law. We have not been able to isolate the physiological factor that is behind the psychological manifestation because it is so inextricably bound up with the environment. Nor can we regard the psychological manifestation as a precise mechanical unit—as our friends the behaviorists invite us to do—for just about the same reason that medical therapeutics is incapable of the technical precision of surgery. One of the lessons to be drawn from the breakdown of the psychology of instinct is that students must not attempt a false exactness. Even Professor McDougall's long list of instincts is doubtless plausible on condition that we regard the terms as overlapping literary expressions for a reality too complex to be analyzed by mechanical methods.

Ethnological differences can be studied much better by the historian of civilizations using a literary-psychological method than by the experimental biologist installed in a laboratory. And to pass from the realm of theoretical fact to political practice certainly requires a much broader philosophical judgment than the professional biologist (qua biologist) is usually able to muster. The terrific absurdity of this Nordic propaganda is best realized when we contrast the chilly reception we have given to the experimentation in social reform carried on in Russia (an experimentation based on generalizations from economics, the most thoroughly explored of the social sciences) with the mystical enthusiasm with which we undertake to build a eugenic Tower of Babel. Lenin shines by moderation. BENJAMIN GINZBURG.

New York.

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Johnson and the Machine

SIR: In the spring of 1920, Senator Penrose, in conversation with a state official of Pennsylvania, used substantially these words: "We shall nominate Senator Harding, an amiable gentleman without enemies and in whom the party can trust; the only thing we fear is *the ground swell towards Hoover.*" To break this ground swell, the Republican managers in California were to give their support to Senator Johnson, regardless of the way in which, individually and collectively, Johnson had attacked them in previous years. By lending their support to the all-powerful Johnson state organization or "machine," the delegation (voting as a unit under our present crude primary laws) had Hoover beaten in his own state. In a similar fashion, Penrose and his associates encouraged General Wood in the East. But under no circumstances I take it would they have permitted the actual nomination at Chicago of either Johnson or Wood. They used both to beat Hoover, but beyond that they had apparently no interest in either. In 1922, the Republican managers permitted the election as governor of a candidate pledged to break up the Johnson organization. Not needing Johnson in California any longer, they were ready to back Harding for renomination, and until the future line-up is clearer they seem to be looking towards Coolidge for 1924. These present facts Senator Johnson apparently understands, but he may not yet fully realize that he had not the ghost of a chance for the nomination in 1920. His temporary alliance with men formerly denounced cost him the support of many of his sincere friends, while the break-up of his state organization takes him quite out of the running.

DAVID STARR JORDAN.

Stanford University, California.

T. R. and the Presidential Burden

SIR: In your article on The Inflated Presidency you say:

> A conscientious president cannot help over-working. The law imposes on him a colossal number of petty tasks, connected for the most part with the disposition of patronage, which alone would take most of the time of an able-bodied man; and in addition he has more people to see, more speeches to deliver, more letters to write, more decisions to make and a heavier burden of personal and public responsibility to assume than any other man in America or Europe.

You propose as a remedy an assistant president and say in conclusion that America is really suffering from too much politics and that the cure lies in renewing the vitality of the social and economic agencies which formerly dispensed with political support and are quite capable of dispensing with it again.

But how? As to the assistant president, if this be for mere formal commissions, etc., which consume much of the President's time, well and good, but if the assistant president is to have real executive authority, might it not degenerate, as in the Roman empire, in the coadjutor Augustus or the subordinate Caesar, into a division of authority which would be disastrous?

As to much of the burden of the President's time which you say is connected for the most part with the distribution of patronage, this can be remedied by eliminating that patronage as to all but a few of the highest offices, such as members of the Cabinet, ambassadors and judges of the Federal courts. The distribution of the patronage of postmasterships, collectorships and thousands of other non-political places is still burdening the president. This can be remedied by a stricter enforcement and a more general extension of the civil service law. The words of Theodore Roosevelt as Civil Service Commissioner in his report, on November 6, 1891, are immensely instructive.

> The great bulk of the offices of the government are purely administrative offices. The post-offices for instance, should, properly speaking, have nohting whatever to do with politics. The duty of postmaster, postal clerk, and letter carrier alike is merely to see that the mails are expeditiously and safely delivered. The appointment and retention in office of each one should depend solely upon whether in doing his duties he serves the whole people, without distinction of party, well and faithfully. His position should depend in no way upon his party predilections, for his capacity to perform his duties has not the slightest reference to his opinions upon the tariff, the currency, or any other of the great questions upon which parties divide. There are properly very few of the many offices in the gift of the Government which are really political in character, after we pass below the highest, such as the members of the Cabinet and the ministers to foreign countries. The duties of the bulk of Government officials have, or should have, no reference whatever to politics and they should be divorced entirely from politics. No question before the American people today is so important as this question of working a thorough and radical reform of the civil service by separating it entirely from partisan politics, for no other reform so vitally affects that most important of all questions, securing a pure, an honest and an upright government.

Is not this after all the handiest and the best immediate remedy for an inflated presidency?

WILLIAM DUDLEY FOULKE.

Richmond, Indiana.

Dolce Far Niente

SIR: The newspapers have recently quoted a statement by Prof. Steinmetz predicting improvements in electrical appliances which in the next decade or so, may be expected to double the productive efficiency of labor. The papers also state —though not perhaps upon the same authority—that then we can all enjoy four hours additional leisure.

Of course, as an alternative, we might prefer to work eight hours as at present, and to greatly improve the general standard of living. At this point a question arises, which I wish to submit. Before trying to change our standards of living, shouldn't we decide what changes are desirable? There seems to be a general assumption that a more expensive standard of living is a "higher" or "better" standard. This is not only an absurd criterion from any moral or aesthetic standpoint, but not even maintainable upon a purely utilitarian basis. It assumes that people like the changes in question or they wouldn't spend their money on them,—a complete non sequitur. People can be exploited by cheating them out of their leisure as well as by underpaying their labor. The exploitation of leisure has a double vice; it wastes part of our leisure and destroys the rest.

To illustrate: the man who is presented with an hour or so of additional spare time instead of amusing himself by playing baseball on a vacant lot is induced by our enterprising advertisers to pay someone else to amuse him. He goes to a theatre, a movie, or a professional baseball game. He must now increase his income to pay for these amusements, and can afford less leisure. His wife and children have plenty of spare time and payment for their pleasures is a further drain. All the people employed in amusing others are a drain on the productivity of the community as a whole and their employment in this way tends to the same end. This should not surprise us. Naturally the good of the community is not the first aim of those who have commercialized our amusements. But we should pause before all the added leisure which science is making possible has been squandered upon pursuits which merely make life more hectic and more artificial.

CECIL BARNES.

The Russian Wheat Crop

SIR: Your editorial on the Russian crops, in the August 8 issue of The New Republic, is delightfully logical in its deduction. Unfortunately its premise is erroneous. The first sentence of the editorial: "If Russian crop estimates are reliable the grain yield this year will be around a billion and a half of bushels," would be nearer to the truth if the word "bushels" were replaced by "poods." The official table of the Russian Central Statistic Board gives a far from encouraging picture of the conditions of the crops by July 1 last. Namely, the condition is marked "bad" in twenty-eight provinces," "below the average" in twenty-six provinces, approaching the "average" in nine provinces, "average" in nine provinces, and "above the average" in one province. The official statement of the Board places the condition of the crops for 1923 as absolutely lower than in 1922; it estimates the harvest per acre as lower by 10 percent than last year. The estimate includes Siberia. On the basis of the official data one cannot expect a crop larger than a billion and a half poods (a pood=36.113 pounds; a bushel=60 pounds). This will mean a shortage for the needs of the country of about seven hundred million poods in the opinion of N. Voronovich.

ALEXANDER KAUN.

Berkeley, California.

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The English Diarist

English Diaries, by Arthur Ponsonby, M. P. New York: George H. Doran Company. $7.50.

WE generally think of writing as involving three factors, the writer, the subject matter, and the audience. What happens when the writer and the audience are the same person, and the subject matter is his own experience? This is the subject of the massive inquiry into diary writing in England from the sixteenth to the twentieth centuries which Mr. Ponsonby has conducted. A review, he calls his book, and it can be nothing more, for the number of diaries included is over one hundred. This necessitates a cursory treatment of each; Pepys gets only fourteen pages, and Evelyn eleven. Most readers will wish that the major diaries had been given larger space; yet it is clear that for purposes of generalization the full number is necessary. Mr. Ponsonby has used all diaries that he could find printed by themselves or incorporated in biographies or autobiographies, as well as some which remain in manuscript. His collection illustrates the various incentives which impel men to use the diary form—the recording of testimony to events, the pursuit of an interest, self-correction,—and the various objects of attention to which men's minds have been most insistently attracted, food, drink, clothes, sport, politics, literature, pictures, the inner life. A good many conclusions might be drawn as to the attitudes and behavior of the English (for Mr. Ponsonby omits the Scotch, the Irish and Wilfrid Scawen Blunt) during the past four hundred years. But the essential problem remains that of the diary itself, of a literary expression where the thing expressed is a part of the writer, and, at least dramatically, he is his own audience.

It will be said that this condition never exists, that while the true diary is written for the immediate satisfaction of the writer this satisfaction inevitably demands an audience outside the self. It may be a single person, or a small circle of family or intimate friends. It may be the public as in the case of Haydon, Chinese Gordon, or Barbellion. Even in the more intimate diary of minute self-examination, like Hurrell Froude's or Cardinal Manning's, the suspicion will occur that the diarist is writing for God's perusal. On the other hand it may be argued that in these cases, the author is addressing himself to an alter ego or to an extension of his personality to the part of the public which shares his interests, or a God who is his own conscience or higher self. The classic diary is that of Samuel Pepys who cannot be thought of as writing for his family, the public, or God, and who must be thought of as trying to preserve for the same joyous Samuel Pepys grown old, the zest of his earlier days.

The most purely self-centred diaries are those in which even the most shadowy conception of an audience is absent, and which must be attributed solely to a kind of book-keeping instinct in their authors, an inability to recognize the res acta until it becomes the res scripta, to which the final stage of an action is an entry on the books. To this type belong particularly the records of sportsmen and Baedeker-inspired travellers. A perfect illustration is found in William Dowsing, the Puritan iconoclast, who was appointed to the work of destruction in churches.

> We brake down a Picture of God the Father, 2 Crucifix's, and Pictures of Christ about an hundred in all; and gave order to take down a Cross on the Steeple; and diverse Angels, 20 at least on the Roof of the Church.
>
> We brake down 10 mighty great angels in glass in all 80.

It is true, these literal diaries lack the chief interest of the diary form. They may be perfect in their self-revelation but there is too often no self to reveal. In the more sophisticated diary the revelation suffers a certain falsification as the conception of a possible audience extends from the immediate to a wider or more remote self. It may be that even Pepys saw things in heightened colors as he recorded them for his future. But the problems of this falsification itself are among the most fascinating in diary study—the tracing of this endless hide and seek of the soul.

All diaries are rich in that sense of reality which Carlyle finds eloquent in Jocelin of Brakelond's account of the visit of King John Lackland to St. Edmundsbury, and his gift to the monastery of one shilling and one penny: "the grand peculiarity; the unmeasurable one, distinguishing to a really infinite degree the poorest historical Fact from all Fiction." It is this element which gives to the earlier diaries their charm. Even the weather of the past is not without interest; and we would not willingly lose from the seventeenth and eighteenth centuries these touches of nature which make those periods akin to us. As this from Adam Eyre; "This day I took a pipe of tobacco and resolved to take every morning one and every night one but no more." Or this from Dr. Rutty: "A little of the beast in drinking." "A little swinish at dinner." "A little piggish in stuffing with vegetables." "Gripes from excess." Or this from Elias Ashmole: "I took early in the morning a good dose of Elixir and hung three spiders about my neck and they drove my ague away. Deo gratias." "I rubbed the skin near my rump whereupon it began to be very sore." Or this exhibition of good citizenship from John Rouse: "I told them I would always speak the best of what our King and State did and think the best too till I had good grounds."

One indisputable fact emerges from Mr. Ponsonby's survey—it is that Samuel Pepys is the chief of diarists in the sense that Boswell is the chief of biographers. As Boswell possessed supremely the temperament of the biographer, so did Pepys that of the diarist. Other diarists, like John Wesley, had a more intense experience of life, or, like Miss Burney, opportunities of wider observation; or were like Henry Robinson brought into contact with more celebrities, or like Charles Greville with more salacious political scandals, or like Gladstone and Gordon were themselves actors on a greater stage. It is hardly fair to bring into the comparison the pathetic diary of Arthur Graem West, with its concentrated reaction on the Great War. The only diary which can be compared with Pepys' is that of Wilfrid Blunt. Blunt, like Pepys, had both the sustained curiosity about the world, and the interest in his personal life, of the true diarist. In spite of his great opportunities, and the responsibility which these placed upon him leading toward publication, he kept extraordinarily the purity and naïvete of his original attitude. It is unfortunate that Mr. Ponsonby has not included Blunt's diaries. His explanation that Blunt was still alive when he made his collection is, in view of the fact that Blunt's diaries had been published, scarcely convincing.

ROBERT MORSS LOVETT.

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The Wooden Pillars of Civilization

Forest Resources of the World, by Raphael Zon and William N. Sparhawk, Forest Economists. Forest Service. U. S. Department of Agriculture. With an introduction by Gifford Pinchot. New York: McGraw-Hill Book Company, 2 Vols. $12.00.

THE appearance of two large volumes of The Forest Resources of the World is significant not only of an awakening consciousness of the importance of conservation, but also of a realization that such questions must be considered from a mondial rather than a national point of view. It is time to take inventories of world stocks of all the necessities of civilization, for nowadays any country can draw on all the others—if it has the cash. It may make a lot of difference to our grandchildren how many trees are cut down or burned up in the Amazon valley or the heart of Africa.

Man has from the first been a foe of the forest and he has in some places of late carried his conquest so far as to endanger the civilization for which he cleared the trees away. The authors estimate that most countries need thirty percent of forest land as climatic insurance as well as wood reserve. But the world's consumption of wood is doubling every fifty years and the trees, at least the most useful trees, are not being grown so fast. The question now before the house, that is to say, the world, is whether forestry shall be classed with mining or with agriculture, whether we shall live on our capital or increase our income. A liberal estimate of the world's coal supply indicates that even the countries richest in black diamonds will begin to shiver within two thousand years. But some trees now standing have been growing longer than this, and some now set out may outlive the Coal-Consuming Era of civilization and be ready for felling when man returns to the Wooden Age after his relatively brief interlude of reliance on the forests of the Carboniferous Epoch.

In fact we have never shifted over to the coal basis so completely as is commonly supposed. Of the fifty-six billion cubic feet of wood used in a year throughout the world, some thirty billion is burned for fuel, and this is equivalent to 250 or 300 million tons of coal, about a fifth of the total coal consumption.

Within the thousand pages of these volumes are gathered the results of the long and thorough study of the forest problem which has been carried out through the cooperation of the United States Forest Service and the National Research Council. After a general survey of the forestry situation in the world at large the authors take up each country in turn and give its wooded area, kind of trees, character of ownership, statistics of production and probable future.

Considering the world as a whole—if we can consider this continually subdividing world as a whole—there is no reason to worry for fear that the wood-box will not be filled in the future, for the authors assure us that there are still 4.4 acres of forest for each person in the entire world, capable of producing many times the present requirements for wood, which amount to only 32.5 cubic feet per capita per annum, or 7.5 cubic feet per acre of forest. The tropical rain-forest of Africa, covering more than 350 million acres, with that of Asia and the East Indies, nearly 500 million acres, and that of South America, more than 1,000 million acres, could if fully developed and only moderately well handled produce continuously the enormous amount of from 200 to 250 billion cubic feet of wood a year, which is equal to four times the present world consumption. Only ten or fifteen percent of the world's timberland, however, is being handled as a renewable, continuously productive resource, while fifteen or twenty percent additional is more or less protected from destruction but still regarded as a timber-mine, and the greater part, from sixty-five to seventy-five percent, receives no care whatever.

The chief danger of shortage is in conifer timber, for a hundred feet of this are being cut for every eighty feet that are being grown. What is worse, a large part of the forest area cut over in the United States is rendered temporarily incapable of further growth. The conclusion of these investigators as to the future of American forestry should be set forth in their own words:

> The United States uses more wood than any other country in the world, and more than three-fourths as much as all the other countries combined. It uses half of all the sawtimber consumed by the world, and one-third of all the fuel wood.
>
> It is obvious that the present situation cannot continue indefinitely, with production so much in excess of growth and no provision whatever for subsequent timber crops on the greater part of the cut-over lands. More adequate measures must be adopted to increase the amount of growing timber, the rate of consumption must be cut down to a small fraction of the present rate, or the United States will have to import enormous amounts of wood.
>
> It is probable that all three things will happen in some degree. The surplus of exports over imports has been steadily dwindling for several years, and is likely to give way to a surplus of imports within a very short period. Imports of softwoods will come from Canada, with small amounts from Central America and Mexico, while hardwoods in ever increasing quantity will be brought from tropical America, Africa, and Asia. There are not adequate supplies of softwoods, however, sufficiently easy of access for the United States to be able to count for long on imports to supply her requirements.
>
> A shortage of construction timber, evidenced by steadily mounting prices and resulting in increasing use of other materials in place of wood, will consequently develop gradually. The per capita consumption of lumber and other forms of saw-timber will decline, and as firewood becomes harder to get it too will be replaced by other materials.
>
> Meanwhile the domestic forests will gradually be brought into a state of greater productivity, even though the total area may be reduced by some 50,000,000 acres which may be cleared for agriculture.
>
> Even reduced somewhat in area, the remaining forest land, if under fairly careful management, will be capable of producing enough wood to meet the country's needs. As these needs will be largely for timber of fair size and quality rather than firewood, however, it will require several decades of rather intensive management to bring the annual increment up to the required point.

The latest and largest draft upon the world's wood pile comes from the use of pulp for paper. Dr. Zon suggests that the per capita consumption of print paper may be a criterion of the degree of culture attained by a country. According to this the United States, which blackens more white paper in a year than any other country, leads the world in civilization. Next follows Great Britain with

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her English-speaking dominions, Sweden, Germany and Holland. This criterion is doubtless better than the consumption of soap and sulfuric acid which have been used as national intelligence tests but leaves out of consideration the important question of what is printed on the paper. Would not a pound of New Republic outbalance a ton of—some papers we could name?

EDWIN E. SLOSSON.

The Future of Painting

The Future of Painting, by Willard Huntington Wright. New York: B. W. Huebsch, Inc. $1.00.

MR. WILLARD HUNTINGTON WRIGHT'S provocative little thesis on the Future of Painting can be put in a brief paragraph.

Oil painting from the time of the Van Eycks onwards is primarily not a pictorial but a sculptural art; it is devoted to the projection of solids in their black and white values, and it reached its complete expression in the art of Rubens. Modernist painting, beginning with Turner and Delacroix, has been an effort to depart from the traditions of sculpture; it is a nascent art of color which is still bound umbilically, by the use of canvas and pigment, to the parent art that brought it forth. The real medium of this new art is light; and the color organ has given us a hint of its scope, technique, and destination. Painting of the traditional, academic kind will continue to serve a decorative purpose in our houses and public buildings; the art of color, on the other hand, will find a new frame for itself, as totally separated from its humble associations as the symphony orchestra is from the shepherd's pipe.

As a contribution to aesthetics, Mr. Wright's thesis is negligible; for it reckons with only so much of the field of art as seems to give support to its frequently hazardous assumptions; and in certain departments, as in the notion that sculpture as a creative art came to an end after its technical possibilities had been explored, Mr. Wright's dicta are nonsense—unless he takes "creation" and "novelty" to mean the same thing. The great merit of Mr. Wright's work lies in the social implications of his thesis; for here his observations are just and pertinent; and when he points out that modernist art demands a different sort of communion, a different background, from that of an earlier period he is calling attention to a significant fact which has been overlooked by those who talk about pictures as if they were platonic forms, fixed forever in an immutable heaven.

The great change that has taken place in the arts during the last hundred and fifty years has been the divorce of sensory stimulus from meaning; a divorce which has created an entirely subjective relation between the work itself and the spectator or the audience. In the classical forms the stimulus and the meaning were thoroughly blended, as they are in a drama where the gestures of the actors, and the movement of lights, and the colors of the costumes are accompanied by sounds in an intelligible language. An aesthetic judgment on these forms was necessarily a judgment of the whole; so that a Madonna who looked like Medusa would probably have been removed from the walls of a mediaeval church even if Giotto himself had painted her: the play of the artist's imagination, his experience, his philosophic grasp, his general Anschauung, were not separated from his craft or from his purely aesthetic drive. The development of a pure art of color is obviously one of the means by which the sensory stimulus may be heightened and the significant content reduced; but color is not the only way the painter has followed to produce this effect: Picasso has accomplished the same result in the disorganization of congruent forms, in truncated bodies, dissected heads, and so forth. To take color as the differentia of modern art is to remember Van Gogh and Seurat and to forget Derain and Matisse.

Mr. Wright sees that something of the same change has taken place in music; but his concern to reach what seems to me a false conclusion—namely, the logical outcome of modernist art in a separate "art of color"—has kept him from producing a generalization on the history of art which might have served as the starting point for a dozen fresh investigations. What had happened to separate sensation from ideal significance: how did this divorce come about? If this be no accidental development of technique, what social changes underlay this transformation of the arts? Well, for one thing, the printing press had begun to spawn its books, and men had no need to put into stone or canvas records which could be made a hundred times more available in the printed book; for another thing, the princes of the world had gathered their loot into museums, and paintings ceased to have a hospitable environment in the churches, the townhalls, the homes. So the graphic arts failed to be a constant companion to man; they were deified into Art, with capital letters and hushed voices and a smug air of connoisseurship. One achieved the beatitude of Art only in a special act of communion—as one heard a concert or looked at a ballet.

Now, these are all interesting social facts; but to accept them as inevitable and unbreakable, and to rest aesthetic theory upon their continued existence seems to me a very precarious matter indeed. The future of painting may not lie at all in the line of making wider the gap between stimulus and meaning, between immediate content and association; nor should we be prepared to abandon the field of painting so readily to academic nonentities who are capable of neither intensity nor depth; Mr. Wright's division of the spheres of interest and exploitation savors a little too high-handedly, in fact, of aesthetic imperialism. The encouraging situation Mr. Wright ignores is that it is precisely among the modernists that the need for restoring the arts to their original setting, and shaking off the spurious system of patronage that has prevailed since the Renascence, has been recognized: hence the decorative motifs in Gauguin's work; hence van Gogh's dream of an atelier of modern painters engaged in architectonic cooperations; hence, to come down to the present decade, the architectural designs of Duchamps-Villon, the sculptor, and the cretonne prints of Raoul Dufy, the painter.

There may, indeed, come a time when we will look upon some of the highest developments in modern art—the symphony orchestra, the ballet, and perhaps the color organ—as merely grandiose efforts to make up for the impoverishment and coarseness of the modern industrial environment; when we will regard these things as the necessary evils of a deteriorate age, even as we now look upon the gladiatorial contests of Rome. Today the pedants, who have thoughts without emotional reactions, and the aesthetes, who have emotional reactions in a cerebral vacuum, have divided the field of the arts triumphantly

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between them; but their triumph will not hold forever. Every newborn baby is a challenge to their supremacy and power.

LEWIS MUMFORD.

A Legacy of the Second Empire

Louis Napoleon and the Recovery of France, by F. A. Simpson, Fellow and Dean of Trinity College, Cambridge. London: Longmans Green & Company. $6.00.

THE career of Louis Napoleon is intensely interesting as a dramatic episode but it possesses a political importance of which we are perhaps only fully conscious today. Mr. Simpson, a distinguished Cambridge tutor, has therefore made a wise choice of a subject for his brilliant pen. This volume is the second of a series in which he seeks to elucidate the several stages of this extraordinary career. The first volume (The Rise of Louis Napoleon), as exciting as any novel, told the story of Napoleon's childhood, his abortive attempts at a rebellion, his escape from prison. This volume brings us down to the conclusion of the Crimean war. It opens with Napoleon feeling his way to the coup d'etat; it shows him after that scene still doubtful of his position in the circle of sovereigns; when it closes he is arbiter of Europe. The next volume will describe Napoleon's part in the liberation of Italy and the last the rapid disasters with which fortune, once she turned, overwhelmed her earlier favorite.

If Napoleon had done nothing more than overthrow the supremacy of the Tsar Nicholas, substitute France for Russia as the leading political power in Europe, give Italy the most effective help that she received in her early struggle with Austria, he would have been of course a great figure in the history of Europe. But his chief importance today arises from the circumstances of his fall. He brought France to an unthinkable catastrophe and that catastrophe has determined the character of France for the last fifty years. France is what she is today because Napoleon was what he was yesterday.

What was he? Most English liberals of his day looked at him through the eyes of Victor Hugo. Lord Morley once described to me a visit he paid to John Stuart Mill at the outbreak of the French war and the severity with which Mill spoke of this bad and corrupting force in the public life of Europe. This view was natural, for Napoleon, who had reached power by methods that outraged liberal minds, tried to save himself when things began to go wrong by one shifty scheme after another. He was as unscrupulous as any mediaeval Italian prince and he was finally beaten because he matched his powers of intrigue against a man who was as cunning as he was and infinitely more resolute of will and cool of temper. Now if Napoleon had been simply the orthodox stage villain or stage victim, if he had overcome all obstacles to success by courage and belief in his destiny and then had fallen by insolence and crime, the moral of his misfortunes would have been plain, salutary and instructive. But his case was not so simple as this. For he was in spirit in his own time what Voltaire or Turgot had been in the eighteenth century. He was essentially a man of European outlook: he wanted a liberal Europe and though eager that France should play a great and glorious part in that Europe, he was not engrossed exclusively in French interests or ready to sacrifice Europe to French power. He took great risks for the cause of Italian independence: he played with the idea of the restoration of Poland: he had quixotic and generous sympathies and he went as far beyond French opinion of his time in making a commercial treaty with Cobden as Vergennes had gone in making a commercial treaty with Pitt just before the French Revolution. Among the rulers of Europe in the fifties and sixties he was much more of a European than Palmerston and infinitely more of one than Bismarck.

Now when France came to grief it was precisely this that Frenchmen remembered about Napoleon. English liberals might regard his collapse as the punishment of ambition but French liberals thought of it also as a warning against chivalry. If Germany had made a wise peace this impression would have been softened, but the loss of Alsace-Lorraine was a permanent symbol of the price that France had paid for thinking about Europe when Germany was thinking about Germany. Thus the forces that would in other circumstances have taken in France as in other countries a liberal and anti-militarist direction were drawn into this fatal orbit, and France learned the same lesson from the war as Germany: the value of "real politics," the error of generosity and the need for a self-regarding policy as the condition of national success. This was the lesson that Germany learned from triumph and France from catastrophe. "We have turned our backs for ever," said a French liberal who had been a stout opponent of armaments and ambitions for empire, "on deceiving Utopias." Thus the fall of Napoleon left this fatal impression just because he was not by any means wholly bad. The friend of Italy involved liberalism as well as France in his ruin: he discredited all the generous ideas to which France had turned in her greater moments, and when the republic got rid of the abuses of the empire, she discarded also its better traditions. If Napoleon had been a greater man, able to attract and keep in his service the better minds of France, he might have escaped disaster, for his want of such help put his will at the mercy of his health, and disease began early to gain upon him and put his best impulses at the mercy of his worst. But it is also true that if he had been a worse man, his ruin would have done less harm in the world.

Mr. Simpson discusses the coup d'état, the inglorious episode of the suppression of Mazzini's sublime experiment and the inner consequences of the Crimean War with the discernment of the true historian and the literary power of a true artist. He is fond of epigram, (he says of Victor Hugo that it was fortunate that he was deflected in his prime from politics where he was just not ridiculous to literature where he was just not sublime), but he is its master and not its servant. He has a wide interest, a large and imaginative outlook, a sure grasp of the characters and forces of the time, and his admirable style and sense of order and form have enabled him to keep control of his great mass of knowledge. As an interpretation of European history his books will take rank with Mr. Trevelyan's work on the making of Italy.

J. L. HAMMOND.

Obregon

President Obregon—A World Reformer, by Dr. E. J. Dillon. Boston: Small Maynard & Co. $3.00.

DR. DILLON, for many years the best interpreter of Tsarist Russia to English readers, has in the last three years brought his vast equipment of political insight

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and experience to bear upon Mexico. Not long ago he put out Mexico on the Verge; he follows now with this book on the big man of the new order. It is fair to assume that these books are written on a commission from the Mexican government. With our southern neighbor the court historian is, indeed, a recognized institution. Toward the close of the last century appeared five or six books in glorification of the Diaz règime, by Mrs. Alec Tweedie, Lummis, and others, which were obviously produced to order. With the overturn in Russia Dr. Dillon lost his literary capital and so we need not condemn his taking—as seems to be the case—a commission to paint the portrait of the revolutionary leader. The pertinent question is, "Does his portrait flatter the sitter?"

President Obregon is really an uncommon man—in his shrewd commonsense and homespun philosophy a Mexican Lincoln—and he deserves to be interpreted by a publicist of the rank of Dr. Dillon. It is well that the world should know that the head of revolutionary Mexico can coin such apothegms as:

> Life is very valuable as long as you despise it.
>
> If injustice be the price of my success, I will barter success for justice.
>
> The one thing constant in the world is inconstancy.
>
> Popularity? Those who seek it don't know what it is and those who do never seek it.

Dr. Dillon traverses and depicts Mexico's last dozen years as a background for Obregon and the result is an intelligent and sympathetic interpretation of the aims of the revolution. Moreover, he recounts enough dramatic episodes and hair-breadth 'scapes to fit out a dozen romancers. He accompanied Obregon in his electoral campaign throughout the country and his word-for-word accounts of what was said to and by Obregon and of the people's reaction to the visits of the general affords a vivid picture of post-revolutionary Mexico. His account of the thicket of difficulties in which the new government found itself and of its ingenious devices to extricate itself is at once intelligent and just. No one else writing in English makes the new règime so intelligible.

Where one notes an excess of zeal is in his interpretation of the attitude of the United States government toward Mexico. No one will gainsay that among us are as greedy and ruthless exploiters of weaker peoples as can be found anywhere. But to suppose them in regular control of our State Department—this is a "bit thick." This Britisher, who has never castigated the Gargantuan imperialism of his own country, is a venomous critic of everything the United States government has done in relation to the Spanish American republic. He pronounces the Monroe Doctrine as a curse rather than as a blessing to Latin America. He regards even Cuba, Peru, and Bolivia as victims of the hypocritical and rapacious diplomacy of Washington. He ought to sound out the Peruvians. Washington's precedent protectorate over certain turbulent misgoverned countries south of us is interpreted as the resolve of the State Department "to discharge the functions of moral ruler of the universe." He insinuates that this Department was behind an attempt to bribe the governor of a Mexican state to proclaim prohibition! That the author of Russian Characteristics should have to stoop to do this sort of thing is one more tragedy of the Russian revolution.

EDWARD ALSWORTH ROSS.

The Poor in Spirit

The Poor Man, by Stella Benson. New York: The Macmillan Company. $2.00.

MISS STELLA BENSON, who is pleasantly remembered for her earlier, happily defiant work in I Pose, Living Alone, This is the End, and Twenty, has stirred again to give us of her art. The Poor Man is a bitterly lifeless tale of thin people cut with a cake-mold of rather flamboyant shape from dry, unsweetened dough.

The Poor Man himself is, incredibly enough, the sort of hero about whom every young man and woman with a talent for writing and a distaste for the world at one time or another decides to circumscribe a story—a story which, fortunately, only those without subtlety actually come to write.

Poor Edward Williams has pimples, is deaf, spiritually dumb, and pretty generally club-footed from top to toe. He seems to represent all those qualities and disqualifications of human nature which the possessor of them most heartily despises. I say that he is incredibly this, because I have delighted in the fine vigor, the rare magic, and the spirited assertiveness of Miss Benson's earlier work, and because it seems to argue a certain lameness in her discrimination that she returns from the hill-side up which her successes have drawn her to the level and limit of the novice. It seems to me impossible, in spite of present evidence, that I and so many others of her admirers could have been mistaken in the temperature of her fire. Emily Frere, the gifted British girl who drives the nails in the Poor Man's coffin-lid, has some of that fire. So has the coast and the interior of China with its coppery heat which juts upward through the parched sand of her story. Emily knows too much about herself too vividly and seems too resentfully bent upon living in a non-existent world. She loses by over-emphasis what the Poor Man himself loses by the masochistic gnawings which keep him always under the heels of that indifferent world which does exist.

Miss Benson stands behind her pages looking a little the masochist and a little the over-vivid creature. She seems anxious to have it known that she finds pity the most absent of imaginable things and those who stand in need of it the most despicable. The Poor Man, tragic as a broken piece of smooth plate glass, puzzles us with its half-heartedness, its cold reluctance to relax. Even though the reader sees into no heart but Emily's, he sees in that the pathos of a struggle powerful, if delicate. Perhaps it is the author that he sees. She is brilliant, she is, somewhere under her glitter, beautiful and keen. She is alive. But she is at present fatally concerned with the other side of the moon, which is cold and which even to a clever young British woman must be relatively unfamiliar.

Yet, there is this about The Poor Man. You cannot be satisfied to speak only of its defects though these are far more conspicuous than its merits. For when you think you have resolved upon its position in your memory you become aware of a difference, a faint suggestion of new color which enters where a direct appraisal of the book itself could never hope to go. Then you are willing to be certain that the thing from which this color emanates can be no inconsiderable quality of life.

RAYMOND HOLDEN.

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In Dark Places

In Dark Places, by John Russell. New York: A. A. Knopf. $2.00.

ABAFT the dummy funnels of the tramp steamer piloted by Mr. John Russell you bunk with the white man's burden of evangelism, disease, and brigandage exported to the uttermost isles of Polynesia. Time was when Mr. Kipling shouted glad tidings about the efficiency maintained by soldiers and engineers for the benefit of our parti-colored brethren of the Far East. Then Mr. Conrad returned from his voyages with tales of unrest in the Congo and histories of the outposts of a vile progress which let cynical daylight in upon a great Heart of Darkness. Now Mr. Russell goes into Dark Places to fuse the melodrama of Kipling with the disillusion of Conrad, and yet remains his competent self in evoking the spell of the East.

A year ago Mr. Russell shoved us off where the pavement ends at those outlands harboring white men who rot on beaches, convicts who labor in the abominations of the New Hebrides, desperadoes who penetrate into the appalling jungles of Papua. Jugging in the wake of Kipling's troop ships and Conrad's typhoons Mr. Russell's tramp steamer won less fame than it would have captured in the far days before plain tales came from the hills. Mr. Russell is not a dealer in wares stolen from others' Eastern grab bags. He is not, however, a djinn who can conjure up the substances of enthralling dreams.

This second volume of Polynesian dynasties adds little and subtracts nothing from the method and substance of Where the Pavement Ends except that in these later cases Mr. Russell lets his savages off from the worst penalties exacted by the trader and evangel who descend without a formal invitation upon the lotus isles. Twelve excursions into Dark Places reward one with strange travels into untraveled continents. An American seeks the rainbow hues of the Orient, and finds that the color of the East is the sacrificial blood of a Chinese girl who dies to save his life. A half-breed Samoan wakens from stirless day dreams to kill the murderer of his father and fly with his beloved to a headland where he lives as a pagan, beautiful and unabashed. A bankrupt Englishman with a monocled eye transfixes savages into a frenzy of worshipful fear; but betrays his fellow white men, is killed in a fight with pirates, and his magical eye is taken by a savage beauty. Four murderers and their gold bags sail down an Ecuador river toward escape. The gold bags disappear, red blotches stain the legs of the murderers, and at last a swarm of loathy insects issues from the rotten hold and destroys the killers of men. A young Scotch missionary brings salvation to the Malolo islanders. Instead they manifest non-vegetable intentions upon his spare shanks. He is saved by a lovely witch woman, kills the medicine man, and converts the islanders to bananas.

If literature were no more than a collection of good stories well told, Mr. Russell would be entitled to list his tramp steamer with the frigates of the immortals. Great literature is, however, the soul's record of its profound voyages in a world of perplexing appearances. Mr. Russell is almost too ready to write a "good story." He is a carpenter of distinction. He exploits adventures wherein his characters show exteriors like flat cardboard. In his vivid tales the inscrutable face of life wears a painted mask for sounding melodrama. Mr. Russell holds his lantern up to the abyss. The light unloosens a revealing luminance in dark places, but it doesn't plumb into the dizzy gulfs. A. DONALD DOUGLAS.

A Child's Day, by Walter de la Mare. New York: Henry Holt. $1.75.

WRITTEN apparently before Peacock Pie, and conceived for a series of pictures of a self-conscious-looking little girl posed in various probable attitudes, this little reprint, so seemingly a pot-boiler, blossoms again with singular freshness and spontaneity. The new illustrations by Winifred Bromhall are comparatively inoffensive, although to a discriminating lover of Mr. de la Mare's work, no illustrator has as yet adequately mirrored the cool curves and subtle shadows of the poet's thought. But it is good to have this poem again, with any illustrations!

A Child's Day moves with an easy, informal measure from the awakening of little Elizabeth Ann on a bright June morning, all through her golden, uneventful day until she sinks at last blissfully into "the twilight, wonderful World of Dream,"

> And lovely Sleep
> With long-drawn oar
> Turns away
> From the whispering shore.

This book is far more frankly a child's book than "Peacock Pie" which, strangely enough, reputable critics insist upon classifying as a Book of Poems *for* Children, despite its momentous spiritual implications. Mr. de la Mare's peculiar spiritual country, however, lies beyond the amiable frontiers of the present volume. Here we have verse of quite successful if less ambitious scope. It is a book which achieves without apparent effort, but with rounded and smooth-phrased completeness, the crowded, imaginary hours of a child's long summer day—the chronicle, perhaps, of one's own Golden Age. J. L. McL.

Contributors

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RAYMOND HOLDEN is the author of a book of verse, Granite and Alabaster.

A. DONALD DOUGLAS, Harvard 1914, has taught at Harvard and Stanford, and is now a lecturer in English at Columbia. He has written a book of fantasies, From Their Galleries.

ELIZABETH SHEPLEY SARGENT's new book will be brought out by Alfred A. Knopf, not by B. W. Huebsch as recently stated in the New Republic.

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